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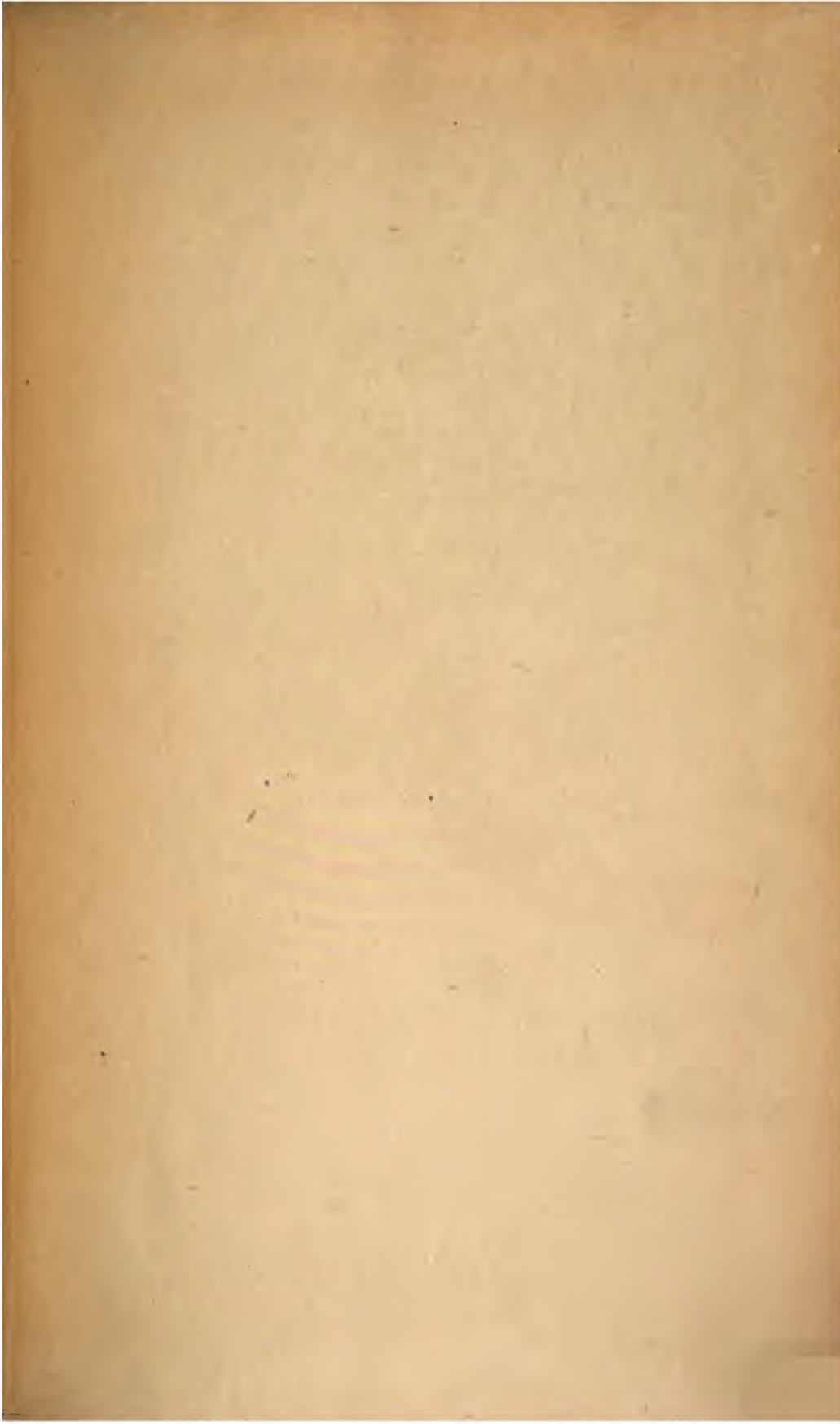
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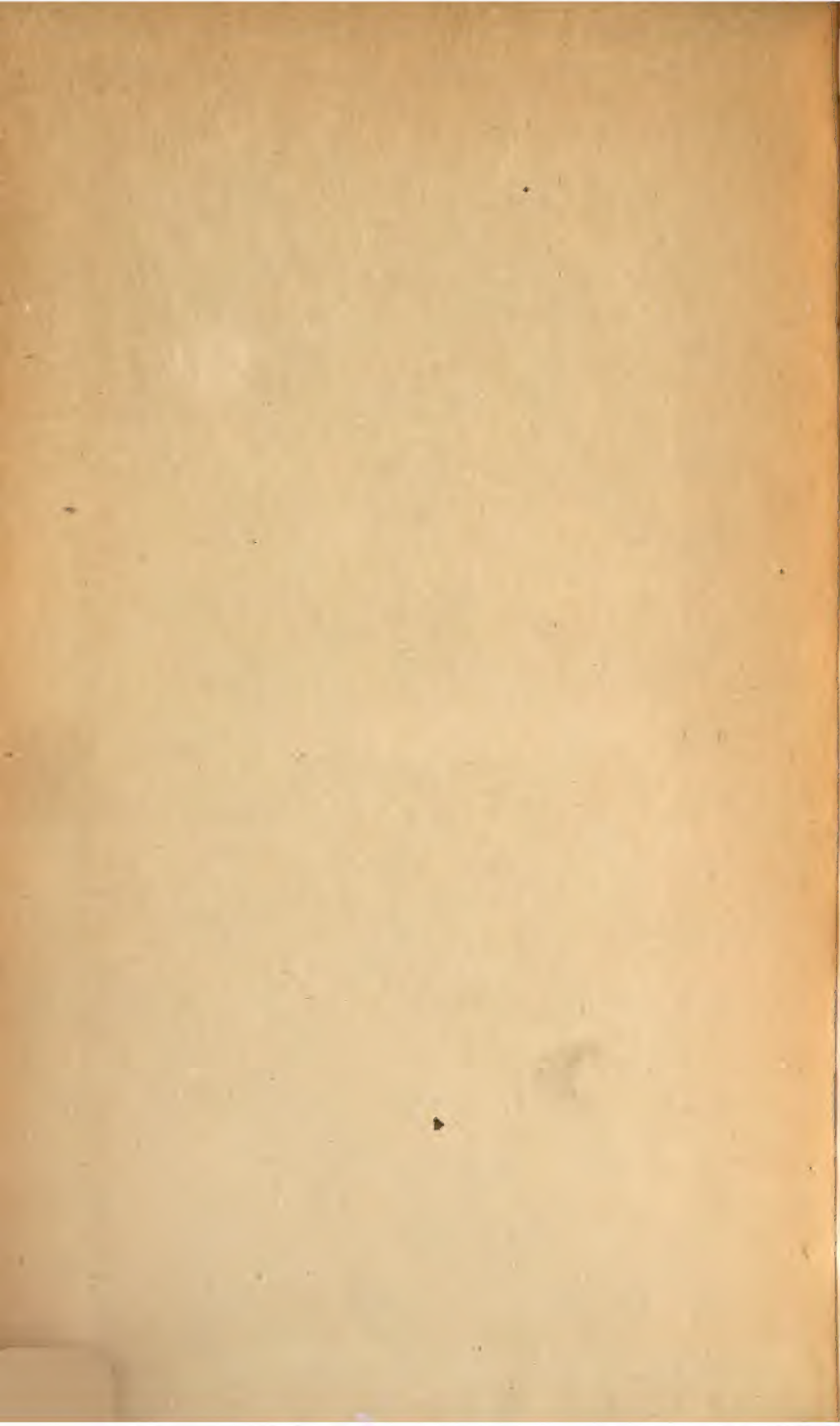


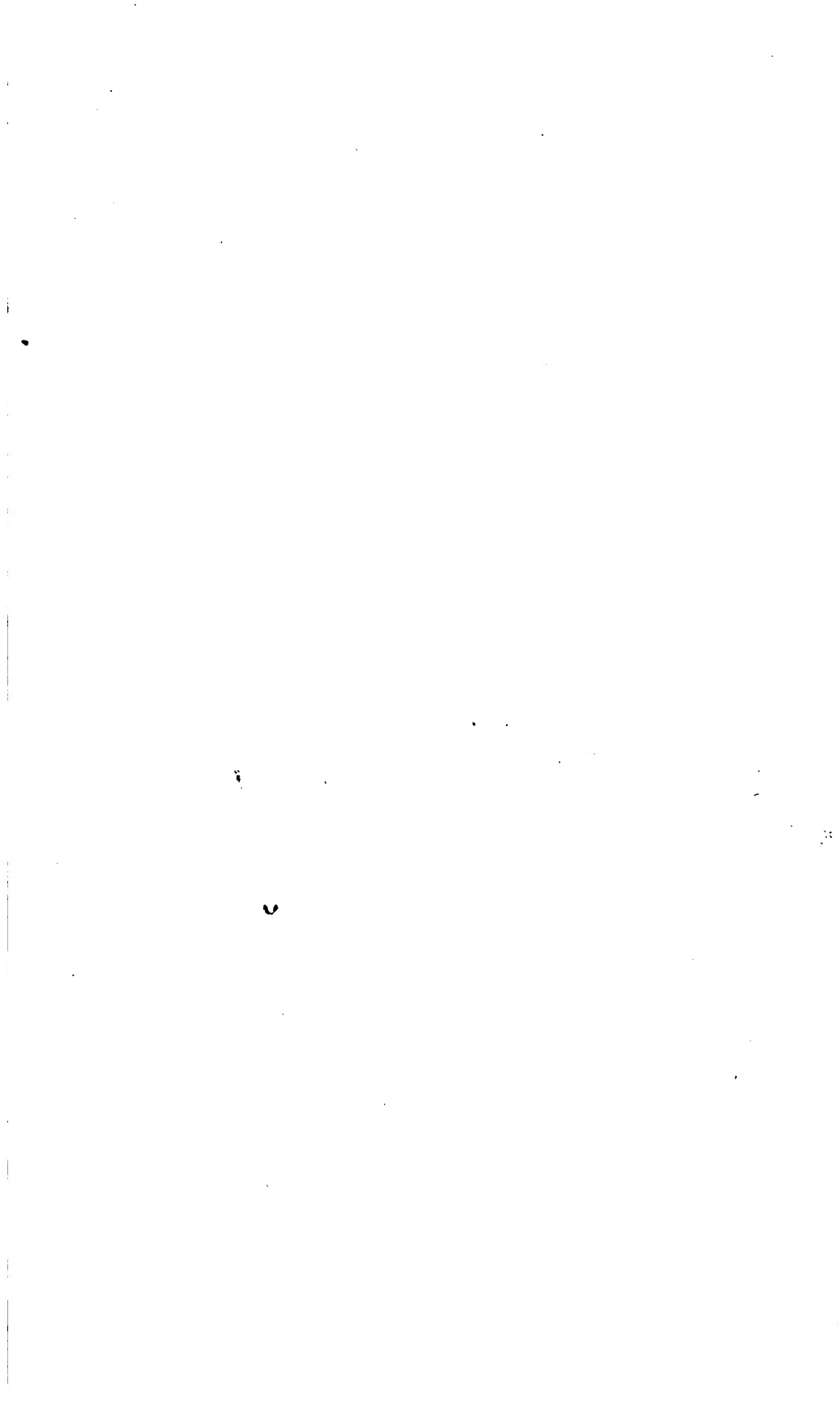
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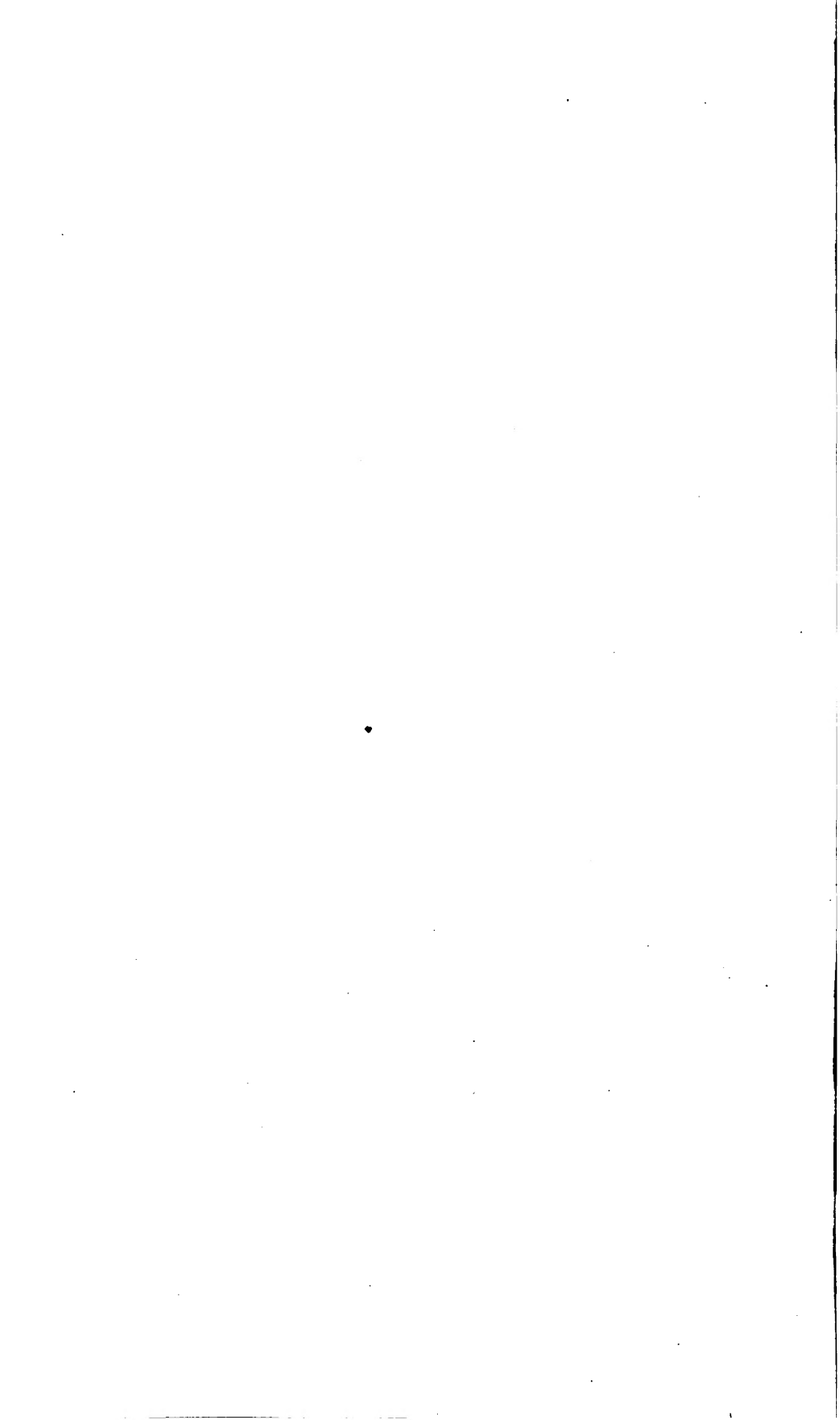
FROM

*Joseph N. Choate*













THE CONVENTION MANUAL  
OF THE  
Sixth New York State Constitutional Convention,  
1894.  
FOREIGN  
CONSTITUTIONS,

COMPRISING

*The Constitution of Argentine, Belgium, Brazil  
(Empire and Republic), Colombia, Ecuador,  
France, Germany, Honduras, Japan,  
Mexico, Prussia, Switzerland  
and Venezuela.*

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PREPARED IN PURSUANCE OF CHAPTER 8, OF LAWS OF 1893, AND  
CHAPTER 228 OF LAWS OF 1894.

UNDER THE DIRECTION OF

JOHN PALMER, SECRETARY OF STATE.  
JAMES A. ROBERTS, COMPTROLLER.  
THEO. E. HANCOCK, ATTORNEY-GENERAL.

By GEORGE A. GLYNN, SYRACUSE, *Compiler.*

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Part 2, Vol. 3.

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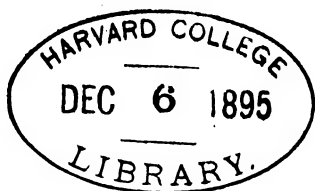
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*Joseph H. ...*

# P R E F A C E

TO

## FOREIGN CONSTITUTIONS.

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In this volume the compiler presents the constitutions, or fundamental laws, of Switzerland, Germany, Brazil (empire and republic), Venezuela, Prussia, Honduras, Argentine, Ecuador, Belgium, Japan, France, Colombia and Mexico.

In this collection will be found the ideas of absolute rulers regarding the needs of the people which they govern ; and also the ideas of the direct representatives of the peoples of many countries in reference to their rights and methods of self-government.

By a perusal of these constitutions the delegate may be informed upon the systems of government under which many of the citizens of this great State, more cosmopolitan in character than any under the sun, have been governed in their native lands. It is possible that in more than one of these plans of government the Convention will find provisions which, modified and improved under its wise deliberation, may be found especially adapted to the wants and requirements of the citizens of the Empire State.

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CONSTITUTION

OF THE

ARGENTINE REPUBLIC.

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# CONSTITUTION OF THE ARGENTINE REPUBLIC.

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*Declarations, Rights and Guarantees.*

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3. Federal government officers to reside at capital. Congress to appoint capital city.
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8. The citizens of each province shall enjoy all the rights and liberties of citizenship. The extradition of criminals between provinces is obligatory.
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## PREAMBLE.

We, the representatives of the people of the Argentine Nation, elected, as previously agreed upon, by the Provinces which form said Nation, and assembled by their will in a general constituent congress for the purpose of framing a Constitution for the National Union, fixing their relations upon substantial foundations of justice, securing domestic peace, providing for the common defense, promoting the general welfare, and securing the benefits of liberty for ourselves, our descendants, and for all men of whatever country who may desire to live upon the Argentine soil—after having invoked the protection of God, source and origin of all reason and justice—do hereby make, order, and decree the following Constitution of the Argentine Nation.

## Chapter I.—Declarations, Rights, and Guaranties.

Article I. The Argentine Nation adopts for its Government the federal republican representative form, as established by this Constitution.

Art. II. The Federal Government contributes to the support of the Apostolic Roman Catholic church.

Art. III. The authorities of the Federal Government shall reside in such city as may be declared, by special act of Congress, to be the capital of the Republic. But a proper cession of the locality which through this action shall become federal, must have been made previously by one or more of the provincial Legislatures.

Art. IV. The Federal Government shall provide for the expenses of the nation out of the funds of the National Treasury, to be formed as follows, namely: By the import duties levied on foreign merchandise, and by those to be levied until 1866 on the export of the domestic products, all as established and regulated in paragraph No. 1 of Article LXVII; by the proceeds of the sale or lease of national lands; by the revenues of the postal service; by such taxes as the National Congress may levy, equitable and in proportion to the population; and by such loans and operations of credit which the same Congress may decree to be made in cases of urgent national necessities, or for works or undertakings of national utility.

Art. V. Every Province shall have its own constitution, framed upon the basis of a republican representative system of government, and in harmony with the principles, declarations,

and guarantees of the National Constitution, which shall provide for the administration of justice, the administration of the local government, and the imparting of primary instruction. Upon these conditions, the Federal Government guarantees to each Province the practice and enjoyment of its own institutions.

Art. VI. The Federal Government shall intervene in the territory of the Provinces to guarantee the republican form of government or to repel foreign invasion, and, at the request of their constituted authorities, to sustain them in power, or to re-establish them if deposed by sedition or by invasion from another Province.

Art. VII. Full credit shall be given in each Province to the public acts and judicial proceedings of all the others; and Congress shall have the power to provide by general laws the manner in which such acts and proceedings shall be proved, and the effect they shall have in law.

Art. VIII. The citizens of each Province shall enjoy in all the others all the rights, privileges, and immunities of citizenship. The extradition of criminals from one province to another is reciprocally obligatory.

Art. IX. In all the national territory there shall not be any custom-houses except those of the nation, which shall be governed by the tariff laws enacted by the Congress.

Art. X. The circulation in the interior of the Republic of all articles, the product or manufacture of the nation, and of all other goods and merchandise of all classes, introduced into the country through the national custom-houses, shall be free from duties.

Art. XI. Articles of national or foreign production or manufacture, and cattle of all kinds, when passing from the territory of one Province into the territory of another, shall be exempted from the duties called "of transit." The same freedom shall be enjoyed by the vehicles, whether carriages, vessels, or animals, on which they are transported. No other duty, whatever its name may be, shall be levied upon said articles and vehicles, for passing through the territory of one or more Provinces.

Art. XII. Vessels cleared from one Province to another shall not be bound to enter any port to be found in their way, or cast anchor in them, or pay duties on account of transit; and in no case shall any preference be given by law or commercial regulations to one port over another,

Art. XIII. New Provinces may be admitted into the nation, but no new Province shall be erected within the territory of another, nor shall two or more Provinces be consolidated into one, without the consent of the respective Legislatures of the interested Provinces and of the National Congress.

Art. XIV. All the inhabitants of the Republic shall enjoy, subject to the laws regulating their exercise, the following rights, namely: The right to work and exercise any lawful industry; the right to navigate and to trade; the right of petitioning the authorities; the right to enter the Argentine territory, remain in it, travel through it, or leave it; the right to publish their own ideas through the press without previous censorship; the right to use and dispose of their own property; the right to associate themselves for useful purposes; the right to freely profess their own religion; and the right to teach and to learn.

Art. XV. There shall be no slaves in the Argentine Nation. Those few who now exist in it shall become free at the very moment in which this Constitution goes into effect. The indemnifications which this declaration may involve shall be provided for by special law. Any contract involving the purchase or sale of a person shall be held to be a criminal offense, for which the contracting parties, as well as the notary or official before whom the agreement was executed, shall be made responsible. Slaves introduced in any way whatever into the country shall become free upon the mere fact that they have trodden the territory of the Republic.

Art. XVI. The Argentine Nation does not recognize privileges of blood or birth. No personal privileges, nor titles of nobility, exist for her. All her inhabitants are equal before the law, and their eligibility to office shall depend only upon their fitness. Equality is the basis of taxation and all public burdens.

Art. XVII. Private property is inviolable, and no inhabitant of the nation, shall be deprived of what belongs to him, unless by judicial decision founded on law. Condemnation for public use shall be regulated by law, and the payment of the indemnification shall be made previously. Congress alone shall have the power to impose the taxes referred to in Article IV. No personal service shall be required of anyone, except when provided by law or by judicial sentence, founded on law.

Authors, or inventors, are the exclusive owners of their works, inventions, or discoveries, for the length of time established by law.

The penalty of confiscation of property shall be forever forbidden in the Argentine criminal code. No armed body can make requisitions or demand assistance of any kind.

Art. XVIII. No inhabitant of the nation can be punished except upon proper trial and conviction, and for charges based on laws pre-existing the offense; neither shall he be tried by special commissions, nor removed from the jurisdiction of the courts which, under the laws in force at the time in which the offense was committed, had cognizance of the case. No one shall be compelled to testify against himself; neither can anyone be arrested, unless upon an order in writing, issued by the proper authority. The domicile is inviolable, as are also private letters and papers; and only in such cases as may be set forth by an act of Congress for that purpose made and enacted, and as the same may require, search proceedings shall be allowed to be taken. The penalty of death for political offenses, torture of all kinds, and the whipping-post are abolished. The national jails shall be healthy and clean; they shall be intended for the safe-keeping and not for the punishment of the prisoners, and any measure which, under color of precaution, may tend to subject the prisoners to more hardships than are required for their security shall render the court authorizing it liable to answer for it.

Art. XIX. All inquiry into private actions which in no way offend public order or morals, or are not injurious to a third party, is reserved to God, and declared to be beyond the jurisdiction of the constituted authority. No inhabitant of the nation shall be bound to do what is not ordered by law, nor shall he be forbidden to do that which it does not prohibit.

Art. XX. Aliens shall enjoy in the territory of the nation the same civil rights as the citizens; they shall be allowed to engage in industrial, commercial, and professional occupations; to own, hold and sell real estate; to navigate the rivers and travel along the coasts; to practice freely their religion; to dispose by will of their property, and to contract marriage according to the laws. They are not bound to become citizens, nor to pay forced extraordinary taxes. They can obtain naturalization by residing two consecutive years in the Republic; but

this period of time can be shortened upon application and sufficient proof that the applicant has rendered services to the Republic.

Art. XXI. Every Argentine citizen is bound to do military service in defense of his country and of the present Constitution in the manner and way which may be provided by the laws of Congress and the decrees of the National Executive enacted to that effect. Citizens, by naturalization, are free to render or refuse military service during the ten years following the day of their naturalization.

Art. XXII. The people shall not legislate or govern except by means of their representatives and authorities created by this Constitution. Any armed force or gathering of persons assuming to represent the rights of the people and petitioning in their behalf commit the crime of sedition.

Art. XXIII. In case of domestic disturbance or foreign attack which places in danger the execution of this Constitution, and the authorities created by it, a state of siege will be declared in the Province or territory wherein the peace is disturbed, and the constitutional guarantees shall be suspended there. But during this suspension, the President of the Republic shall have no power by himself to condemn, or to inflict punishments. His power shall be limited, in such case, so far as the persons engaged in the affair are concerned, to cause them to be arrested, or removed to some other section of the country, should they not prefer to leave the Argentine territory.

Art. XXIV. Congress shall promote the reform of the present legislation in all its branches, and the establishment of trials by juries.

Art. XXV. The Federal Government shall encourage European immigration, and shall not restrict, limit, or incur, by taxation of any kind, the entry into the Argentine territory of foreigners who come for the purpose of engaging in the cultivation of the soil, the improvement of industrial business, or the introduction and teaching of arts and sciences.

Art. XXVI. Navigation on the rivers in the interior of the Republic is free to all nations, and subject only to such rules as may be enacted by the national authority.

Art. XXVII. The Federal Government shall be bound to strengthen, by means of treaties, consistent with the principles

of public law established by this Constitution, the commercial and peaceful relations of the Argentine Nation with foreign countries.

Art. XXVIII. No principle, guaranty, or right recognized in the preceding articles can be altered by the laws which may be enacted to carry it into practice.

Art. XXIX. The Congress cannot grant the national executive, or the provincial legislatures, or the Governors of Provinces, extraordinary faculties, or the whole of the public powers, or give them powers or authority by which the lives, the honor, or the property of Argentines may be placed at the mercy of any government or person. Acts of this character shall be utterly void, and shall render its authors, or those who consent to it, or authorize it with their signatures, liable to be adjudged and punished as infamous traitors to their country.

Art. XXX. The Constitution can be amended either wholly or in part. The necessity for such amendment shall be declared by Congress, with the concurrence of at least two-thirds of the members; but the amendment itself shall not be made except by a convention called for that purpose.

Art. XXXI. The present Constitution, the national laws which in pursuance thereof may be enacted by Congress, and the treaties with foreign nations are the supreme law of the nation; and the provincial authorities shall be bound to abide by them, any provision in their own provincial constitution or laws to the contrary notwithstanding. This rule is not applicable to the Province of Buenos Ayres so far as the treaties ratified after the compact of the 11th of November, 1859, are concerned.

Art. XXXII. The Federal Congress shall not pass any law restrictive of the liberty of the press or placing it under Federal jurisdiction.

Art. XXXIII. The declarations and statements of rights and guaranties made by the present Constitution shall not be construed as involving the denial of any other rights and guaranties not enumerated, but naturally derived from the principle of the sovereignty of the people and of the republican form of government.

Art. XXXIV. The justices and judges of the Federal courts shall not be allowed to serve at the same time in any judicial capacity in the provincial courts. The exercise of Federal

authority in any branch of the service, whether civil or military, in a Province which is not the regular and habitual domicile of the official, does not constitute residence. This rule will be followed in case said official should be a candidate for provincial positions.

Art. XXXV. The names of "The United Provinces of the River Plate," "The Argentine Republic," "The Argentine Confederation," adopted in succession ever since 1810, shall be allowed in the future to be used indistinctively for the official designation of the government and the territory of the Provinces; but the name of "The Argentine Nation" shall be used in the formation and sanction of the laws.

## PART SECOND.—AUTHORITIES OF THE NATION.

### TITLE I — THE FEDERAL GOVERNMENT.

#### *Section I — The Legislative Power.*

Art. XXXVI. The legislative power of the nation is vested in a Congress, consisting of two chambers; one called the Chamber of Deputies and the other the Chamber of Senators, whether from the Provinces or from the capital.

#### Chapter I.—The Chamber of Deputies.

Art. XXXVII. The Chamber of Deputies shall be composed of representatives elected directly by the people of the Provinces and of the capital, which for this purpose shall be considered as electoral districts of one and the same State. The election shall be by plurality of votes in the proportion of one Deputy for each 20,000 inhabitants, or fraction of this number not less than 10,000.

Art. XXXVIII. The Deputies for the first Congress shall be selected in the following proportion: For the Province of Buenos Ayres, twelve; for the Province of Cordova, six; for the Province of Catamarca, three; for the Province of Corrientes, four; for the Province of Entre-Rios, two; for the Province of Jujui, two; for the Province of Mendoza, three; for the Province of Rioja, two; for the Province of Salta, three; for the Province of Santiago, four; for the Province of San Juan, two; for the Province of Santa Fe, two; for the Province of San Luis, two; for the Province of Tucuman, three.

Art. XXXIX. A general census shall be taken before the Second Congress, and the election of Deputies shall then be

made according to its return. The census shall be taken every ten years, and no oftener.

Art. XL. No person can be elected a Deputy who is not over twenty-five years of age and a citizen for four years, and either a native or a resident for the two preceding years of the Province electing him.

Art. XLI. The measures to secure the election of Deputies by direct vote of the people of the Province shall be taken this time by the provincial legislatures. In the future, the whole matter shall be regulated by Federal law, enacted by Congress.

Art. XLII. The Deputies shall be elected to serve for four years, and are re-eligible. The Chamber, however, shall be renewed by halves every two years, and for this purpose, the Deputies elected to the First Congress shall draw lots as soon as they meet, and determine in this way those who shall leave at the end of the first period.

Art. XLIII. In case of vacancy, the Governor of the Province, or of the capital, shall order a new election.

Art. XLIV. The initiative of all laws touching the levying of taxes and the recruiting of troops belongs exclusively to the Chamber of Deputies.

Art. XLV. The Chamber of Deputies alone has the right to present before the Senate articles of impeachment against the President, the Vice-President, the members of the cabinet, the justices of the Supreme Court and the judges of other national tribunals for malfeasance in the exercise of their functions, or for crimes and misdemeanors of any kind; said presentation to be made upon resolutions passed by two-thirds of the Deputies present, after full discussion of the subject.

#### Chapter II.—The Senate.

Art. XLVI. The Senate shall consist of two Senators for each Province, elected by a plurality of votes by the respective Legislatures. There shall be also two Senators for the Capital or Federal district who shall be elected in the same way as the President of the Nation. Each Senator shall have one vote.

Art. XLVII. No person shall be elected Senator who does not fulfill the following requisites: Shall be thirty years old; shall have been a citizen of the nation for six years; shall have

an annual income of \$2,000, and shall be either a native of the Province which elects him, or have resided in it the two next preceding years.

Art. XLVIII. Senators shall serve for nine years, and are re-eligible indefinitely. But the Senate shall be renewed by thirds every three years. To this effect, the Senators themselves shall decide by lot those who shall leave at the expiration of the first and second period of three years.

Art. XLIX. The Vice-President of the nation shall be president of the Senate; but shall have no vote unless the Chamber be equally divided.

Art. L. The Senate shall elect a president pro tempore to replace the Vice-President in case of absence, or when the latter is called to act as President of the Republic.

Art. LI. The Senate shall have the sole power to try in public the officials impeached by the Chamber of Deputies, and Senators, when sitting for that purpose, shall be sworn. When the impeached official is President of the nation the Chief Justice of the Supreme Court shall preside in the Senate. No person shall be convicted without the concurrence of two-thirds of the members present.

Art. LII. Judgment in cases of impeachment shall not extend further than to removal from office, or disqualification to hold and enjoy any office of honor, trust, or profit under the Nation; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law, in and by the ordinary courts.

Art. LIII. It is also incumbent upon the Senate to authorize the President of the nation to declare a state of siege at one or more points in the national territory, in case of foreign aggression.

Art. LIV. When a vacancy happens, on account of the death or resignation of a Senator or for any other reason the executive authority shall order immediately the election of a new member.

### Chapter III.—Provisions Governing Both Chambers.

Art. LV. Both Chambers of Congress shall meet in ordinary session, on the first day of May of each year, and shall continue their sessions until the thirtieth of September. They may also be convened in extraordinary session, or adjourned, by the President of the nation.

Art. LVI. Each house shall be the judge of the elections, rights, and titles, of its own members, in so far as the question of their validity is concerned. Neither house shall meet to do business without a quorum consisting of the absolute majority of its members; but a smaller number shall have the power to compel the attendance of absent members, by such means and under such penalties as each house may provide.

Art. LVII. Both Chambers shall sit simultaneously. Neither shall have the power, during the session of Congress, to adjourn, without the consent of the other, for more than three days.

Art. LVIII. A Chamber may determine the rules of its proceedings, and, with the concurrence of two-thirds of its members, punish any one of the same for disorderly behavior in the discharge of his functions, remove him for physical or moral inability subsequent to his admission, or expel him from the body. An absolute majority shall be sufficient to act upon the resignation of a member voluntarily made.

Art. LIX. Senators and Deputies, on taking their seats, shall be sworn to perform their duties in the proper way and to act in all things in accordance with the present Constitution.

Art. LX. No member of Congress shall be indicted, judicially questioned, or molested for opinions or speeches delivered by him while fulfilling his duty as a legislator.

Art. LXI. No Senator or Deputy, from the day of his election to the day on which he ceases to be such, can be arrested for crimes or offenses, unless when caught in the act, and the crime or offense is of the kind punished by death, or any other penalty entailing bodily suffering or disgrace, in which case the proper report shall be made to the Chamber to which the member belongs, accompanied by a summary statement of all the facts.

Art. LXII. Should any charge be made in writing, before the ordinary tribunals, against a Senator or Deputy, the Chamber to which he belongs may, by a two-thirds vote, and upon examination in public of the merits of the case, suspend him from his legislative functions and surrender him for trial to the proper court.

Art. LXIII. Each Chamber may summon to its presence the members of the cabinet, in order to hear from them such explanation or reports as it may be deemed advisable to ask from them.

Art. LXIV. No member of Congress shall receive from the Executive any appointment for any office of honor, trust, or

profit without first obtaining the consent of the Chamber to which he belongs. This article is not applicable to cases in which the appointment is merely a promotion.

Art. LXV. Ecclesiastics of the regular orders cannot be elected members of any chamber. Provincial Governors are also disqualified to serve in representation of the Province where they exercise their functions.

Art. LXVI. The remuneration of the services of both Senators and Deputies shall be fixed by law and paid out of the funds of the National Treasury.

#### Chapter IV.—Powers of Congress.

Art. LXVII. The National Congress shall have power:

(1.) To legislate in regard to custom-houses for foreign commerce and establish import duties, which, as well as the appraisements on which they must be based, shall be uniform in the whole nation it being understood, however, that both these duties and all other taxes of national character may be paid in the currency of the respective Provinces in their just equivalent value. The power to establish export duties also belongs to Congress; but these duties shall cease to be levied as a national tax on and after 1866. They shall not be levied either as a provincial tax.

(2.) To raise funds, through direct taxation, for a fixed period of time and in a manner proportionately equal in all the territory of the nation, whenever the defense of the country, the common safety, or the public good may require it.

(3.) To contract loans, pledging to their payment the nation's credit.

(4.) To provide for the use, sale, and disposition of the national lands.

(5.) To establish at the capital a national bank, with the power to establish branch offices in the Provinces, to issue paper currency, and make rules for the transaction of its business.

(6.) To make arrangements for the payment of the national debt, both foreign and domestic.

(7.) To make annually the necessary appropriations to meet the expenses of the national government, and to approve or disapprove the accounts of their disbursements.

(8.) To grant subsidies, to be paid out of the National Treasury to those Provinces whose revenues, according to their

own estimates, prove to be insufficient to meet their ordinary expenses.

(9.) To make rules for the free navigation of the rivers in the interior of the country, to declare ports of entry those which may be deemed to deserve it, and to establish and abolish custom-houses; but the custom-houses for forcing commerce, existing in each Province at the time of its coming into the National Union, shall not be abolished.

(10.) To coin money, regulate the value thereof and of foreign coin, and adopt a uniform system of weights and measures for the whole nation.

(11.) To make the civil, commercial penal, and mineral codes of the nation, provided that such codes do not alter the local jurisdictions, and their provisions shall be enforced either by Federal or provincial courts, as the case may be, according to the nature and condition of the things or persons affected by them; and especially to pass and enact laws on naturalization and citizenship, general for the whole nation, and based upon the principle of citizenship by nativity, laws on the subject of bankruptcy, forgery, and counterfeiting of current money and public documents belonging to the nation, and the establishment of trial by jury.

(12.) To regulate the commerce by land and sea with foreign countries, and with the Provinces among themselves.

(13.) To establish post-offices and regulate the national postal service.

(14.) To settle finally the limits of the Republic, to fix those of the Provinces, to create new provinces, and to provide by special laws for the organization and the administration of the government of the national territories, which may be left outside the limits of the Provinces.

(15.) To provide for the security of the frontiers and the preservation of peaceful intercourse with the Indians, and to promote their conversion to the Catholic religion.

(16.) To provide for everything conducive to increasing the prosperity of the country, the progress and welfare of all the Provinces, and the enlightenment of the people, by enacting proper laws both for the common schools and the university, and by promoting industrial enterprise, foreign immigration, the construction of railroads and navigable canals, the colonization of the national lands, the introduction and establishment of new

industries, the importation of foreign capital, and the exportation of the interior rivers; all of it by means of protective laws conducive to those ends, and of temporary concessions of privileges and rewards offered as inducements.

(17.) To establish tribunals inferior to the Supreme Court of Justice, to create and abolish offices, to fix the duties of the same, to grant pensions, to decree honors, and to promulgate general amnesties.

(18.) To accept, or refuse to accept, the resignation of the President or Vice-President of the nation, and declare that the time has arrived to proceed to a new election, to count the returns thereof, and to ascertain the result.

(19.) To approve or reject the treaties concluded with any foreign nations, and the concordats entered into with the Holy See, and to make rules for the exercise of patronage in church matters in the whole nation.

(20.) To admit into the Republic new religious orders additional to those now existing.

(21.) To authorize the executive power to declare war or make peace.

(22.) To grant letters of marque and reprisal, and make rules concerning prizes.

(23.) To fix the strength of the land and naval forces of the nation, both in time of peace and of war, and to make rules and ordinances for the government of the army and navy.

(24.) To authorize the calling out of the militia of any or all of the provinces, whenever necessary for the execution of the laws of the nation, or for repressing insurrections, or repelling invasions; and to provide for the organization, equipment, and discipline of said militia, and the command and government of the part thereof which may be employed in the service of the nation, leaving to the provinces themselves the power to appoint the chiefs and officers of their respective militias, and to enforce in them the discipline established by Congress.

(25.) To permit the introduction of foreign troops into the territory of the Republic, and the departure from it of the national ones.

(26.) To proclaim a state of siege in one or more places in the nation, in case of internal disturbances, and to approve or suspend the state of siege declared during the recess of Congress by the executive power.

(27.) To exercise exclusive legislation in all the territory of the national capital and in all other places acquired by purchase or cession in any Province for the establishment of forts, arsenals, magazines, or other useful national establishments.

(28.) To enact all the laws and regulations which may be deemed necessary to carry into effect the powers and faculties hereinbefore enumerated, and all others granted by the present Constitution to the government of the Argentine nation.

Chapter V.—The Framing and Approval of the Laws.

Art. 68. Save the exceptions named in article 44, all bills may originate in either chamber, and may be introduced by any of their members, or be proposed in a message of the executive power.

Art. 69. When a bill has been passed in the chamber where it originated, it shall be sent to the other chamber for discussion. Having been passed by both, it shall be sent to the executive of the nation for consideration and approval. If approved, the executive shall promulgate it as a law.

Art. 70. All bills not returned by the executive within ten working days shall be considered approved.

Art. 71. No bill totally rejected in one chamber, where it originated, shall be introduced again during the same year. But if the bill was not totally rejected, but merely amended, or modified, by the other chamber, it shall then be returned to the one where it originated; and if the amendments or modifications are adopted there by absolute majority, then it shall be sent for approval to the executive power of the nation. If the additions or amendments are rejected, the bill shall be sent back a second time to the chamber where they were made, and if insisted upon by a majority of two-thirds of the members, the bill shall come again to the other chamber. There it will not be deemed to be rejected unless the rejection is made by a majority of two-thirds of the members present.

Art. 72. A bill not approved, whether wholly or in part, by the executive, shall be returned with the objections made to it by the latter, to the chamber where it originated. Said chamber shall discuss it again, and if it passes it by a two-thirds majority, shall send it for the second time to the other chamber. If the bill passes both chambers, by the said majority, it becomes a law, and passes to the executive only for its promulgation. The vote

in this case shall be by yeas and nays; and the names of the members who took part in the vote, as well as the grounds upon which they founded their votes, and the objections of the executive, shall be immediately published by the press. If the chambers disagree in regard to the objections, the bill shall fail, and shall not be allowed to be presented again during that year.

Art. 73. The form of the enacting clause of the laws passed by Congress shall be as follows: "The Senate and the Chamber of Deputies of the Argentine nation, in Congress assembled, decree and enact:"

## SECTION II — THE EXECUTIVE POWER.

### Chapter I.—Its Nature and Duration.

Art. 74. The executive power of the nation shall be exercised by a citizen with the title of "President of the Argentine nation."

Art. 75. In case of illness, absence from the capital, death, resignation, or removal of the President, the executive power shall be exercised by the Vice-President of the nation. In case of removal, death, resignation, or inability of both the President and Vice-President of the nation, Congress shall determine what officer shall then act as President until the disability is removed or a new President is elected.

Art. 76. To be elected President or Vice-President of the nation, it is necessary to have been born in the Argentine territory, or, if born in a foreign country, to be the son of a native citizen; to belong to the Apostolic Roman Catholic religion, and to have all the other qualifications required to be a Senator.

Art. 77. The President and Vice-President shall hold their offices for a term of six years, but neither can be re-elected until after the interval of a full term has been passed.

Art. 78. The President shall cease to exercise his powers on the same day on which his term of six years expires; and no interruption of this time, for whatever cause, shall ever be a reason for extending it.

Art. 79. The President and Vice-President shall receive salaries, to be paid by the national treasury, which cannot be changed during their term of office. During the same period they shall not be qualified to fill any other office or receive any other emolument, either national or provincial.

Art. 80. On taking possession of their offices, the President and the Vice-President shall take an oath, which shall be admin-

istered to them the first time by the president of the constituent Congress, and subsequently by the president of the Senate, Congress being in session, in the following terms: "I, \_\_\_\_\_, do swear before God, our Lord, and these holy gospels, to fill loyally and patriotically the office of President (or Vice-President) of the nation, and observe, and cause to be observed, faithfully, the Constitution of the Argentine nation. Should I fail to do so, may God and the nation demand it from me."

Chapter II.—Form and Time of the Election of the President and Vice-President of the Nation.

Art. 81. The election of the President and the Vice-President of the nation shall be made in the following manner: The capital and each one of the Provinces shall choose, by direct suffrage, a number of electors, twice as large as the number of Senators and Deputies constituting their respective representation in the Congress, who shall have the same qualifications, and shall be elected in the same manner, as provided in the present Constitution for the election of Deputies.

Deputies, Senators, or officials receiving pay from the federal government shall be disqualified to be electors.

The electors shall meet as follows: Those chosen by the capital in the capital, and those chosen by the Provinces in their respective capitals, four months before the expiration of the Presidential term, and then they shall proceed to elect by ballot the President and Vice-President of the nation. Each elector shall give his vote by means of two tickets signed by him, one expressing his choice for President and the other for Vice-President.

Two lists shall be made of all the persons named for President and two others of those named for Vice-President, with the expression in each case of the number of votes cast in favor of the respective candidates. These lists shall be signed by the electors, and sent by them under sealed envelope, two (one of each class) to the president of the provincial legislature, and in the case of the capital to the president of the municipal council—to be filed and kept, with their seals unbroken, in their respective archives—and the other two to the president of the Senate (the first time to the president of the constituent Congress).

Art. 82. The president of the Senate (the first time the president of the Constitutional Convention), having all the lists in his

possession, shall open them in the presence of the two chambers. Four members of Congress, selected by lot, shall assist the secretaries in counting and announcing the votes cast for each candidate, either for President or for Vice-President of the nation. Those receiving in each case the absolute majority of all the votes shall be immediately proclaimed President or Vice-President.

Art. 83. In case the vote is divided, and no absolute majority can thus be obtained, Congress shall make the election by choosing one out of the two persons who obtained the largest number of votes. If the largest majority appear in favor of more than two persons, Congress shall make its choice out of all of them. If the largest majority appear in favor of only one person, and two or more persons are favored with the next largest majority, the choice of Congress shall be made out of all of those who obtained such majorities.

Art. 84. This choice shall be made by an absolute majority of votes, the names of each voting to be entered on the record. If the absolute majority is not secured on the first ballot, a second vote shall be taken, but only to select one out of the two persons in whose favor the greatest number of votes was cast. If the vote is equally divided, the balloting shall be repeated, but if it again results in an equal division, the President of the Senate (the first time the president of the Constitutional Convention) shall decide by his vote. The counting of the votes, in these elections, shall not be made without three-fourths of all the members of Congress being present.

Art. 85. The election of the President and the Vice-President of the nation shall be made only in one sitting of Congress, and the result thereof, as well as the journal of the electoral proceedings, shall be published immediately through the newspapers.

#### Chapter III.—Powers of the Executive.

Art. 86. The President of the nation shall have the following powers:

1. As the chief magistrate of the nation he has in his charge the general administration of all the executive business of the country.

2. He can issue such instructions and make such rules as may be necessary for the execution of the laws of the nation, taking care, however, not to change, by any provision in the former, the spirit of the latter.

3. He is the immediate and local chief magistrate of the capital of the nation.

4. He assists, in the manner provided for by the Constitution, in the making of the laws, gives them his approval, and causes them to be promulgated.

5. He appoints, with the advice and consent of the Senate, the justices of the Supreme Court and of all the other federal tribunals.

6. He can grant pardons and commute sentences, in cases of offenses subject to the federal jurisdiction, except, however, in cases of impeachment by the chamber of Deputies. Before granting such pardons and commutations, the report of the court which passed the sentence shall be heard and considered.

7. He can place on the retired list, with pay or pension, when permitted by the laws of the nation, all kind of national officials, and grant pensions and leaves of absence in accordance with the same laws.

8. He exercises the right of ecclesiastical patronage in the nomination of bishops for the cathedral churches of the nation, by selecting one name out of three suggested to him for this purpose by the Senate.

9. He can, with the advice and consent of the Supreme Court, grant or refuse assent to the decrees of the councils, the bulls, briefs, and rescripts of the supreme pontiff of Rome; but said granting or refusal shall have to be made by law whenever the ecclesiastical enactments affected by either action contain provisions of general or permanent character.

10. He appoints or removes, with the advice and consent of the Senate, the ministers plenipotentiary and the charges d'affaires; and by himself alone, without Senatorial action, the cabinet ministers, the officials of the departments, the consular agents, and all the government employes, when appointment is not otherwise provided by the present Constitution.

11. He opens every year, in the presence of the two chambers assembled for this purpose in the hall of the Senate, the sessions of Congress, and gives on this occasion information to them of the state of the nation and of the stage which has been reached in the work of reform promised by the Constitution, and makes such recommendations as he may deem to be proper and advisable.

12. He can prorogue Congress when sitting in ordinary session, or convene it in extraordinary session, whenever a grave interest of order or progress may require it.

13. He causes the revenues of the nation to be collected, and decrees the disbursement of the national moneys, in conformity with the provisions of the appropriation laws.

14. He concludes and signs the treaties of peace, commerce, navigation, alliance, limits, and neutrality, as well as the concordats, and all other arrangements or agreements required for the maintenance of friendly relations with the foreign powers. He also receives the ministers accredited by the latter and admits their consuls.

15. He is the commander-in-chief of all the land and naval forces of the nation.

16. He makes the appointments for all the military offices in the nation; but the advice and consent of the Senate shall be required when the position to be filled, or the rank to be given, is that of a superior officer in either the army or the navy. He does not need, however, Senatorial approval for any appointment or concession of rank he may make on the battle-field.

17. He manages the land and naval forces of the nation and attends to their organization and distribution, according to the necessities of the case.

18. He can, with the authority and approval of Congress, declare war and grant letters of marque and reprisal.

19. He can, in case of foreign attack, for a limited time, and with the consent of the Senate, declare some place, or places, of the nation to be in a state of siege. Should the trouble be merely domestic, the power to make the declaration shall be exercised only during the recess of Congress; otherwise, it belongs to the latter. The President shall exercise this power with the limitations provided for in article 23.

20. He can ask of the heads of all the bureaus and departments of the government, and through them of all other employes, whatever information he may desire, and said officials are bound to give it.

21. The President shall not leave the national capital without the permission of Congress. During the recess of the latter, he may, however, absent himself from the capital without such permission if some grave necessity of the public service demands it.

22. He shall have power to fill all vacancies which may happen during the recess of Congress and which need the approval of the Senate. In this case, the appointment shall expire at the closing of the next session.

#### Chapter IV.—The Members of the Cabinet.

Article 87. Five Ministers, Secretaries of State, respectively named of the interior, of foreign affairs, of the treasury, of justice, Worship and public instruction, and of war and the navy, shall have charge of the nation's business, and shall countersign and attest all the acts of the President; and none of these acts shall have validity when lacking the signature of the respective ministers. The scope of the business of each department shall be determined by law.

Art. 88. Each minister is individually responsible for the acts signed by him, and jointly with his colleagues for all others agreed upon between him and the other ministers.

Art. 89. The ministers cannot, in any case, take individual action on any subject, unless it is concerning the internal government of their own respective departments.

Art. 90. As soon as Congress meets, each minister shall submit to it a report on the state of the nation, as far as represented by the business of his own department.

Art. 91. No minister can be either Senator or Deputy without first resigning his position in the cabinet.

Art. 92. The ministers may attend the sessions of Congress and take part in the debates; but they cannot vote.

Art. 93. The ministers shall receive for their services such salary as may be established by law; but this salary cannot be increased or decreased, in favor or against the incumbent of the position.

### SECTION III.—THE JUDICIAL POWER.

#### Chapter I.—Its Nature and Duration.

Article 94. The judicial power of the nation shall be exercised by a Supreme Court of Justice and by such inferior tribunals as the Congress may establish in the national territory.

Art. 95. The President of the Republic shall have no power, in any case whatever, to exercise judicial functions, or take cognizance of any pending case, or reopen or revive cases already decided.

Art 96. Both the justices of the Supreme Court and the judges of the inferior tribunals shall hold their offices during good behavior, and shall receive for their services such compensation as may be fixed by law, which shall never be diminished in any way or manner, during their holding the office.

Art. 97. No person can be made a justice of the Supreme Court of the nation who is not a lawyer admitted to practice in the nation, and in actual practice for eight years, and who has not the qualifications necessary to be a Senator.

Art. 98. On the first assembling of the Supreme Court under the present Constitution, the justices thereof shall take an oath, which shall be administered to them by the President of the nation, to fulfill their duties, and administer justice well and legally and in accordance with the provisions of the Constitution. On all other occasions, the oath shall be administered by the Chief Justice.

Art. 99. The Supreme Court shall make its own rules and regulations for the proper conduct of its business, and shall appoint all its subordinate employes.

#### Chapter II.—Functions of the Judiciary.

Article 100. The Supreme Court, as well as the federal inferior tribunals, shall have jurisdiction in all cases and causes, not mentioned in number 2 of article 67 of the present Constitution, involving points to be decided either by the same Constitution, the federal laws, or foreign treaties, and also in all cases and causes concerning ambassadors, public ministers and foreign consuls, admiralty cases, or cases falling under maritime jurisdiction, or cases and causes in which the nation has an interest as a party thereto, or cases between the provinces with each other, or between a Province and the citizens of another, or between a province or its citizens against a foreign citizen or State.

Art. 101. In all the cases and causes above named, the Supreme Court shall have appellate jurisdiction, under such rules and exceptions thereto as Congress may prescribe. But in the cases concerning foreign ambassadors, ministers and consuls, and concerning foreign ambassadors, ministers and consuls, and in those in which a Province shall be a party, the jurisdiction of the court shall be original and exclusive.

Art. 102. The trial of all ordinary crimes, except in cases of impeachments, shall be by jury, as soon as this institution is established in the nation. Such trial shall be held in the Province where the offense was committed; but when the wrong was done outside the limits of the nation, and in violation of international law, Congress shall decide, by a special law for that purpose made and enacted, what will be the place in which the trial shall be held.

Art. 103. Treason against the nation shall consist in taking up arms against it, or in joining its enemies and lending them aid and comfort. Congress shall, by a special law, fix the penalty for this crime; but the punishment shall not go beyond the person of the offender, nor shall any infamy resulting from the conviction and punishment of the latter attain his relatives in whatever degree.

## TITLE II.—PROVINCIAL GOVERNMENTS.

Article 104. The Provinces retain all the powers not delegated by the present Constitution to the Federal Government, as well as all the powers expressly reserved by them, through special agreements, at the time of their admission into the Union.

Art. 105. Each Province shall have its own local institutions and laws, and shall be governed by them. They elect their governors, legislators and provincial functionaries of all classes, without intervention of the Federal Government.

Art. 106. Each Province shall enact its own Constitution, subject to the provisions of article V.

Art. 107. The Provinces shall have the power to conclude, with the knowledge of the federal Congress, such partial treaties as may be necessary for the purposes of administration of justice, or for regulating financial interests, or undertaking public works; and to promote, by means of protective laws and at their own expense, their own industries, immigration into their territories, the building of railroads and navigable canals, the settlement and colonization of the provincial lands, the introduction and establishment of new industries, the importation of foreign capital and the exploration of their rivers.

Art. 108. The Provinces cannot exercise any power delegated to the nation. They cannot without authority from the federal Congress, enter into any partial treaties of a political character, or pass laws relating to the domestic or foreign commerce or

navigation, or establish provincial custom-houses, coin money, or create banks of emission. Neither can they enact any civil, commercial, criminal or mineral codes, subsequent to the promulgation of the national ones enacted by Congress, or pass laws especially applicable to themselves on the subject of citizenship, naturalization, bankruptcies and counterfeiting of money or State bonds, or establish tonnage duties, arm war vessels, or raise armies, except in case of foreign invasion or of such imminent danger as to admit of no delay, and on condition that they give full and prompt account of it to the Federal Government, or appoint or receive foreign agents, or permit new religious orders to be admitted.

Art. 109. No Province can declare or wage war against another. Their complaints against each other must be submitted for decision to the Supreme Court of Justice. Actual hostilities on the part of one Province against another shall be deemed to be acts of civil war, seditious and riotous, which the Federal Government has the duty to put down and repress under the laws.

Art. 110. The Governors of the Provinces shall be the natural agents of the Federal Government for the enforcement of the Constitution and the laws of the nation.

Hall of Sessions of the National Convention at the City of Santa Fe, on the 25th day of September, 1860.

MARIANO FRAGUEIRO,

Chairman.

CAROS M. SARAIVIA,

LUCIO V. MANSILLA,

Secretaries.

SUBMITTED TO THE  
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

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CONSTITUTION  
OF THE  
KINGDOM OF BELGIUM  
[ADOPTED FEBRUARY 17, 1831.]

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Translated by FRANCIS B. LEE,  
TRENTON, N. J.

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## INTRODUCTION TO CONSTITUTION OF BELGIUM.

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The life of the nineteenth century is economic, and a Constitution is the means by which the advantages of this new condition are secured; although, indeed, there is no merit in the document if it be not supported by the higher intelligence of those who frame it. Of modern European countries, Belgium, sixty years ago, recognized this fact, and her Constitution, largely the outgrowth of economic conditions, has stood as a model for all Europe.

Briefly, it will be remembered that Belgium, in her leading characteristics, is essentially French. Impetuosity of heart, acuteness of mind, versatility of action, with all the poetry of more southern Latin people, mark Bruxelles as well as Paris. Though the term, "The Netherlands," is in general use, and one thinks of Belgium in connection with Holland, the underlying principles of national existence are antipodic. The Hollanders are truly Germanic, phlegmatic, often immobile, though having a latent power to make them, even again, a great nation. They are a race of traders and sea voyagers, and not manufacturers, as are the Belgians.

As all the mediaeval streams of continental liberty flowed into the reservoir of the French Revolution, to that great source one must look for the new torrents which soon issued thence. No one nation outside of France was more affected by the Revolution than was Belgium, or "La Petite France." Editors and orators—the two great apostles of every great movement—spread to the world the advantages of their native land. They told of her fields, her mines, her rivers and sea coast, her factories, and claimed that her development must be like that arising in the United States. At the beginning of this present century, such doctrines as these, whilst theoretically permitted, savored too much of freedom of individual action to suit the minds of the powers, which arose upon the wreck of the Revolution. So the allies of '14, to crush Belgium's rising spirit, joined her to Holland—a most unsympathetic alliance. Since 1579, Belgium had been under varying Spanish and Austrian rule, but never before had her union with Holland been effected, except by a rope of sand during the Napoleonic conquest. Belgium must be subdued. Thinkers were not to be political factors, and William of Holland was selected to break down the new formed temples of activity in education and industry. The iron-willed king immediately abolished trial by jury, restricted the freedom of the press, interfered with the officers of justice, and endeavored to crush out the Belgian language and religion; thus in the face of fate following a course always surcharged with disaster.

In the political life of this union, the States-General found the Belgians constantly disorganized. Bread and meat taxes, to support Holland's extravagances, were finally imposed, with the result that, by 1829, feeling in Belgium had well-nigh crystallized. Just as English navigation laws, press restrictions, selection of foreign officials and refusal to allow local management of affairs, hastened the American Revolution, so did Holland's policy drive the Belgians to revolt. The stamp tax and the bread and meat tax, from an economic standpoint, were the end of a series of oppressions, and furnished, in name, the cause for the two uprisings. The personal parallel between George the Third and William shows them to have been, in this matter, obstinate and fearless of consequences. George's allusions in council to local disturbances in Virginia and Massachusetts and William's speech at Liege prove this so to be.

By 1829 Belgium was aroused from center to circumference. Ultramontanism was forgotten, and the clergy in Flanders went so far as to form an order, its motto being "Faithful Even to Infamy." This incited William to a more vigorous policy, and to the States-General, with the support of Van Maanen, he expressed his views. Slightly conciliating, he offered concessions regarding the language, but the times had outstripped the man. The social philosopher, De Potter, arranged a Belgian league to secure its members against force. For this he was banished, in 1830, whereupon he tried to arrange a Franco-Belgian union, but Louis Phillippe, too recently upon his throne, rejected the alliance on purely political grounds. In Belgium active preparations were made for the struggle, against which the royal officers made but little resistance. To show the state of feeling in Bruxelles, placards were posted, reading: "Monday, fireworks; Tuesday, illumination; Wednesday, revolution." The presentation of "La Muette de Portici" — the rising of the Neapolitan fishermen under Massaniello — caused vivas for De Potter and curses for Van Maanen, when the actors made allusions to local troubles. No longer able to restrain themselves, the mob destroyed Van Maanen's house, and floated Brabant's tri-color above the hotel de ville. On the 28th of August, 1830, many conservative citizens made overtures for an amicable adjustment of the matter. William wanted no conciliations, and, recognizing the disordered state of Europe, thus fearing no international interference, he had become obstinate in his determination to destroy the germs of Belgian independence. So he would neither convoke the States-General nor recall his ministers. William prepared for war, and mobilized troops near Bruxelles and at Anvers. For purposes of delay, the legislative body was convoked at The Hague on September 13th. At Bruxelles preparations were made for a state of siege, upon which the Prince of Orange tried to occupy the city. Unable so to do on account of fifty frowning barricades, alone he entered the city and, early in September, appointed a peace commission. Its members recommended a personal union of Belgium and Holland, each country managing its own affairs. To this, William, of course, refused, and out-Heroded Herod in his activity to eradicate the principles of the new movement. The Holland delegates, advising "war as the portion of rebels," caused the Bruxelles "Committee of Safety" to counsel immediate action. But the "committee" was too conservative to suit the revolutionary spirit abroad in the capital.

Then the mob deposed the members. This internal strife led the more sober-minded to petition William that Bruxelles be saved from the terrors of an ill-regulated Commune. William sent 10,000 men, under Prince Frederick, from Vilvoorden, but he was unable to capture Bruxelles, and retired to the near-by city park. There he was so harassed that he was compelled to return to his strategic center. At the capital, De Potter and his conferrees stimulated Belgian pride until all cities, except Luxembourg, Venloo, Maestricht and Anyers, were united in the cause of freedom. The Prince of Orange proclaimed amnesty, at Anvers, which was received with marked distrust.

The final scenes were now enacted. The French general, Mellinet; Millon, the theatrical manager, and Kessels, the showman, heroes of the Park, captured Anvers, and drove Chasse, the commandant, to the citadel. Venloo was also taken.

In London, the agents of the powers subsequently proposed peace, Belgian independence and recognition of her boundaries as they existed aforesaid. To this the Hollanders were unwilling to assent.

Belgium was at last free. The constitutional convention, which was immediately called, found De Potter, who was a delegate, pleading long and earnestly for a republic, founded upon the model set by the United States. But he was disappointed, and on the 17th of February, 1831, a Constitution providing for political, social, religious and economic freedom, was adopted by a vote of 174 to 13.

The selection of a king now occupied the attention of the Belgians. The Duc de Nemours and the Duc de Leuchtenburg were both ineligible, so a third choice, and a most happy one, was Leopold, Duc de Saxe-Coburg and uncle of Victoria of England. The year previously he had refused the crown of the Hellenic people. Upon the 21st of July, 1831, Leopold took the oath of his kingly office. The Hollanders again invaded Belgium, and rather unimportant military events marked the formative period until April 19, 1839, when peace was finally declared. In 1832, Belgium had been the closer bound to France by the marriage of their king to Princess Louise, daughter of Louis Phillippe.

Since its adoption, the careful interpretation of the Constitution and generous government of Leopold I and Leopold II, his son, has caused the greatest prosperity to Belgium. Wise selection of officials has placed the local and foreign corps second to none upon the continent. In education and police jurisdiction Belgium has led many universal movements for reform; whilst her economic development has been a remarkable chapter in the history of progress. Belgium thus stands to-day one of the richest, freest and most progressive nations of Europe.

The presentation of this English version of the Constitution of Belgium—which, so far as is known, is the first translation in America—gives but a faint idea of the inherent power of the document. One needs to see living Belgium—vitalized into thorough social activity—to appreciate the quality of her administrative functions, to the end that a proper judgment may be formed of the position which she has attained through her Constitution.

In English there is little or no bibliography of the Belgian Constitution. No translation of the document is to be found either in the Department of State or in the Library of Congress.

Among works of reference in French are "Historie de la Constitution Belge," Louis Hymans, and a political history of the Belgians, E. Pouillet (Louvain, 1879). There are also many allusions in foreign magazines.

Muller's excellent "Political History of Recent Times," Peters' translation (Harper's, 1882), has been followed in the main.

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# CONSTITUTION OF THE KINGDOM OF BELGIUM.

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## *Territory and its Divisions.*

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136. The first appointment of the members of the Court of Appeals.
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138. When the Constitution goes into effect all laws, rules, etc., contrary thereto are abrogated.
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  3. Finances.
  4. Provincial and communal organizations.
  5. Responsibility of ministers and other executive agents.
  6. Organization of the judiciary.
  7. Revision of the pension list.
  8. Proper measures to prevent the abuse of the plurality of offices.
  9. Revision of legislation concerning bankruptcies and reprieves.
  10. The organization of the army, the rights of promotion and retirement and the penal military codes.
  11. The revision of the codes.

In the name of the Belgian people, the National Congress decrees:

## TITLE I.

*Territory and its Divisions.*

Article 1. Belgium is divided into provinces. These provinces are: Antwerp, Brabant, East Flanders, West Flanders, Hainaut, Liege, Limbourg, Luxembourg, Namur, except the relations of Luxembourg with the German Confederation.

The territory may be divided by law into a greater number of provinces.

Art. 2. Subdivisions of the provinces can be established only by law.

Art. 3. The boundaries of the State, of the provinces and of the communes can only be changed or rectified by law.

## TITLE II.

*Belgians and their Rights.*

Article 4. Belgian citizenship is acquired, preserved or lost according to rules determined by the civil law.

The present Constitution and the other laws relative to political rights shall determine what other conditions than citizenship are necessary in order to exercise these rights.

Art. 5. Naturalization shall be granted by the legislative authority.

Only supreme naturalization shall give to the foreigner the same privilege as the Belgians in the exercise of political rights.

Art. 6. In the State, there shall be no distinction of order.

All Belgians are equal before the law; they alone are admitted to civil and military employments, with such exceptions as may be established by law for particular cases.

Art. 7. Individual liberty is guaranteed.

No one can be prosecuted, except in the cases specified by law and in the form which it prescribes. Save when taken in the act, no one shall be arrested except by virtue of an order issued by a judge. It shall be shown at the time of the arrest, or not later than twenty-four hours thereafter.

Art. 8. No one shall be deprived, against his will, of the judge whom the law assigns him.

Art. 9. No penalty shall be established or enforced except by law.

Art. 10. The home is inviolable. No search shall be made except in cases provided for by law and in the form which it prescribes.

Art. 11. No one shall be deprived of his property except for public use and then only in the cases and in the manner provided for by law; and a just indemnity, to be ascertained beforehand, shall be paid.

Art. 12. The penalty of the confiscation of goods shall not be established.

Art. 13. Civil death is hereby abolished; it shall not be re-established, i. e., legal deprivation of all civil rights a favorite form of punishment.

Art. 14. The freedom of religions, their public exercise, as well as the liberty of expressing their opinions on every matter, are guaranteed; reserving the right of repressing crimes committed in the exercise of these liberties.

Art. 15. No one shall be compelled to observe in any manner whatsoever, the rites and ceremonies of any form of religion, nor be required to observe days of rest.

Art. 16. The State shall not have the right to interfere in the nomination nor in the installation of the ministers of any relig-

ious body, nor to prohibit these ministers from corresponding with their superiors, and publishing their acts; reserving in the last case the ordinary responsibility for press matter and publication.

Civil marriage must always precede the religious marriage with such exceptions as may be established by law.

Art. 17. Public education shall be free; every preventive measure is prohibited. The repression of crime alone shall be regulated by law.

Public instruction given at the expense of the State shall also be regulated by law.

Art. 18. The press is free; no censorship shall ever be established, nor can writers, editors or printers be required to give bonds.

When the author is known, and resides in Belgium, the editor, printer or news agent cannot be prosecuted.

Art. 19. All Belgians shall have the right to assemble peaceably and without arms, conforming themselves to the laws which may regulate the exercise of this right, but without being obliged to obtain permission beforehand.

This regulation does not apply to open air meetings, which are entirely under police regulation.

Art. 20. Belgians shall have the right to form associations; this right cannot be suppressed by any preventive measure.

Art. 21. Each individual shall have the right to address to the public authorities, petitions signed by one or more persons.

Only the constituted authorities have the right to address petitions in a collective name.

Art. 22. The secrecy of the mails shall be inviolable.

The law shall determine who are the responsible agents in the violation of the secrecy of the mails.

Art. 23. The use of the languages spoken in Belgium is optional. It can be regulated by law alone, and then only in the cases of documentary acts of public authority and for judicial affairs.

Art. 24. No previous authorization is necessary to begin suits against public officials for the acts of their administration, with such exceptions as may be made regarding the Ministers.

### TITLE III.

#### *Powers.*

Article 25. All powers emanate from the nation.

They shall be exercised in the manner established by the Constitution.

Art. 26. The legislative power shall be exercised collectively by the King, the House of Representatives and the Senate.

Art. 27. The right of initiative shall belong to each one of the three branches of the legislative power.

But all laws relative to the receipts or expenses of the State, or the contingent of the army, must be first voted by the House of Representatives.

Art. 28. The interpretation of the laws in an authoritative manner shall belong only to the legislative power.

Art. 29. To the King shall belong executive power within the limits prescribed by the Constitution.

Art. 30. The judicial power shall be exercised by the courts and tribunals.

Arrests and sentences shall be executed in the King's name.

Art. 31. The interests which are exclusively communal or provincial shall be regulated by the respective communal or provincial councils according to the principles established by the Constitution.

#### CHAPTER FIRST.—THE TWO HOUSES.

Article 32. The members of the two houses represent the nation and not simply the province or the subdivision which may have elected them.

Art. 33. The sessions of the houses shall be public.

Nevertheless each house may resolve itself into a secret committee upon the demand of its President or of ten of its members.

They decide then, by absolute majority, whether the session shall be continued in public upon the same subject.

Art. 34. Each house shall judge of the returns and qualifications of its own members, and shall decide disputes arising upon these matters.

Art. 35. No one shall be at the same time a member of both houses.

Art. 36. A member of one or the other of the two houses, being appointed by the Government to a salaried position, shall in case of acceptance, cease immediately to exercise a member's functions. He can resume them only by virtue of a new election.

Art. 37. At each session, each house shall choose its own President, Vice-Presidents and other officers.

Art. 38. Legislative action shall be taken only by an absolute majority of votes; with such exceptions regarding elections and presentations as the house may prescribe.

In case of a tie, the proposition under deliberation shall be lost.

Neither of the two houses can take action upon any matter except when a majority of the members be present.

Art. 39. Votes are taken orally or by sitting and rising; upon the passage of laws the vote must always be taken by roll call and orally.

Elections and presentations of candidates shall be made by secret ballot.

Art. 40. Each house has the right of inquiry.

Art. 41. No bill can be passed by either house until it has been adopted article by article.

Art. 42. The houses have the right of amending and of dividing proposed articles and amendments.

Art. 43. No petition shall be presented in person to the houses.

Each house shall have the right of referring to the Ministers those petitions which have been addressed to it. The Ministers are required to report upon their contents, whether the house demands it.

Art. 44. No member of either house shall be prosecuted or questioned concerning opinions and votes given by him in the exercise of his functions.

Art. 45. No member of either house, during its session, shall be prosecuted or arrested save by the authorization of the house of which he is a member.

Exception is made in the case of being taken in the act.

Bodily restraint shall not be exercised against a member of either house during its session, save by the same authorization.

The detention or prosecution of a member of either house shall be suspended during the session until its termination, provided the house require it.

Art. 46. Each house may determine by its own rules, the method by which it shall exercise its powers.

#### *Section I.—The House of Representatives.*

Article 47. The House of Representatives shall be composed of Deputies elected directly by those citizens paying the census prescribed by the electoral law, which shall not exceed 100 florins of direct tax nor be below twenty florins.

Art. 48. The elections shall be conducted in such divisions of the provinces and in such precincts as the law shall determine.

Art. 49. The electoral law shall fix the number of Deputies upon the basis of population; the number shall not exceed the proportion of one Deputy for every 40,000 inhabitants. The law shall also determine the conditions requisite for one to be an elector as well as all things relating to elections.

Art. 50. In order to be eligible, it is necessary

1. To be a Belgian by birth, or to have received supreme naturalization.

2. To enjoy civil and political rights.

3. To have attained the age of twenty-five years.

4. To be a resident of Belgium.

No other condition of eligibility shall be required.

Art. 51. Members of the House of Representatives shall be elected for four years.

One-half the members shall be renewed every two years in a method to be prescribed by law. In case of dissolution the house shall be entirely renewed.

Art. 52. Each member of the House of Representatives shall be entitled to a monthly salary of 200 florins, during the continuance of the session. Those who live in the city where the session is held shall not be entitled to salary.

### *Section II.—The Senate.*

Article 53. The members of the Senate shall be elected in proportion to the population of each province, by those citizens who may vote for the members of the House of Representatives.

Art. 54. The Senate shall be composed of a number of members equal to half the Deputies of the other house.

Art. 55. The Senators shall be elected for eight years; one-half retiring every four years in a method to be prescribed by the electoral law.

In case of dissolution, the Senate shall be entirely renewed.

Art. 56. In order to be elected Senator and remain such it is necessary

1. To be a Belgian by birth, or to have received supreme naturalization.

2. To enjoy political and civil rights.

3. To be a resident of Belgium.

4. To have attained the age of forty years.

5. To pay in Belgium at least 1,000 florins of direct taxes, including licenses.

In the provinces, where the list of citizens paying 1,000 florins of direct tax, does not attain the proportion of one person in 6,000, it shall be completed by taking those paying the highest tax of the province, until this proportion of one to 6,000 has been attained.

Art. 57. The Senators shall receive neither salary nor expenses.

Art. 58. At the age of eighteen years, the heir apparent of the King shall be, by right, a Senator. He shall have only a deliberative voice until he attains the age of twenty-five years.

Art. 59. The Senate shall not assemble except during a session of the House of Representatives.

## CHAPTER II.—THE KING AND HIS MINISTERS.

### *Section I.—The King.*

Article 60. The constitutional powers of the King shall be the King hereditary, in the direct, natural and legitimate descent from His Royal Highness Leopold of Saxe-Coburg, from male to male, by rule of primogeniture and to the perpetual exclusion of women and their descendants. (Text published the first of September, 1831.)

Art. 61. In case of failure of male heirs from His Royal Highness Leopold of Saxe-Coburg, he shall be allowed to name his successor, with the assent of the two houses, expressed in the manner prescribed by the following article. (Text published 1st of September, 1831.)

If there be no nomination made in this manner, the throne shall be vacant.

Art. 62. The King cannot be, at the same time, the chief of another State, without the assent of both houses.

Neither of the two houses shall deliberate upon this subject, unless two-thirds, at least, of the members who compose it are present and action can be taken only by the consent of two-thirds of the voters.

Art. 63. The person of the King shall be inviolable; his Ministers shall be responsible.

Art. 64. No act of the King shall have any effect, if it be not countersigned by a Minister, who by this act alone, makes himself responsible.

Art. 65. The King shall appoint and dismiss his Ministers.

Art. 66. He shall confer grades in the army.

He shall appoint the employes of the general administration and foreign affairs with such exceptions as may be established by law.

He shall make other appointments only when authorized to do so by law.

Art. 67. He shall make the rules and regulations necessary for the execution of the laws, without power to suspend the laws themselves or to dispense with their execution.

Art. 68. The King shall command the land and naval forces, declare war, make treaties of peace, of alliance and of commerce. He shall give information in respect to the foregoing matters to the two houses as soon as the interest and safety of the State permit it, joining therewith the customary communications.

Treaties of commerce and those which might seriously burden the State, or individually bind the Belgians shall go into effect only after having received the assent of the houses.

No cession, no exchange, no addition of territory can take place except by law. In no case shall the secret articles of a treaty be destructive of the published articles.

Art. 69. The King shall sanction and promulgate the laws.

Art. 70. The houses shall have the right to meet each year upon the second Tuesday of November, unless they have been previously summoned by order of the King.

The houses shall be in session each year, for at least forty days.

The King shall close the sessions.

The King shall have the right of convoking the houses on extraordinary occasions.

Art. 71. The King shall have the right of dissolving the houses simultaneously or separately. The act of dissolution shall announce the date of new elections within forty days and the assembling of the houses within two months.

Art. 72. The King may adjourn the houses. Nevertheless the adjournment shall not exceed the term of a month nor shall it be repeated in the same session without the assent of the houses.

Art. 73. He shall have the right to remit or to reduce the sentences pronounced by the judges, save those who are decreed regarding the Ministers.

Art. 74. He shall have the right to coin money in accordance with the law.

Art. 75. He shall have the right to confer titles of nobility, without power of ever attaching any privilege to them.

Art. 76. He shall confer military titles, observing in this regard, that which the law prescribes.

Art. 77. The law shall fix the civil list for the duration of each reign.

Art. 78. The King shall have no other powers than those which the Constitution formally confers upon him and the particular laws passed in pursuance of the same Constitution.

Art. 79. Upon the death of the King the houses shall assemble without waiting to be summoned not later than the tenth day after his decease.

If the houses have been previously dissolved and the time of meeting had been set in the act of dissolution, for a time later than the tenth day, the old houses shall resume their functions until the meeting of the new houses.

If only one house has been dissolved, the same rule is to be followed regarding the other house.

From the death of the King until the taking of the oath by his successor to the throne or by the regent, the constitutional powers of the King shall be exercised in the name of the Belgian people, by the Ministers united in council, and under their own responsibility.

Art. 80. The King shall attain his majority at the age of eighteen years.

He shall take possession of the throne, only after he has solemnly taken, in the presence of the assembled houses, the following oath :

"I swear to observe the Constitution and the laws of the Belgian people, to maintain their national independence and the integrity of their territory."

Art. 81. If, at the death of the King, his successor is a minor, the two houses shall meet in joint session in order to provide for a regency and for the public safety.

Art. 82. If the King should be found unable to govern, the Ministers, after having established this inability, shall immediately call together the houses.

Public protection and the regency shall be provided for by the two houses.

Art. 83. The regency shall be conferred only upon one person.

The regent shall enter upon his functions only after having taken the oath prescribed by article 80.

Art. 84. No change in the Constitution shall be made during a regency.

Art. 85. In case of a vacancy of the throne, the houses convened in joint session shall provisionally establish a regency, until the meeting of the houses, which shall be entirely renewed. This meeting shall take place within two months. The new houses convened in joint session shall provide definitely for the vacancy.

*Section II.—The Ministers.*

Article 86. No one shall be a Minister who is not a Belgian by birth or who has not received supreme naturalization.

Art. 87. No member of the Royal Family shall be a Minister.

Art. 88. The Ministers shall have a deliberative voice in one or the other house only when they are members thereof.

They shall have free access to each of the houses and must be heard when they demand it.

The houses may require the presence of the Ministers.

Art. 89. In no case shall the verbal order or writ of the King relieve a Minister from his responsibility.

Art. 90. The House of Representatives shall have the right of impeaching the Ministers and of bringing them before the Court of Appeal, which alone shall have the right of judging them. This court is the joint meeting of both houses. Exception is made in those cases which may be established by law, as to the resort to civil action by the party injured and as to crimes and misdemeanors which the Ministers may have committed when not in the performance of their functions.

A law shall determine the cases of responsibility, the penalties to be inflicted upon the Ministers and the mode of procedure against them; whether upon the accusation submitted by the House of Representatives, or upon the prosecution of the injured parties.

Art. 91. The King cannot pardon a Minister condemned by the Court of Appeals, except upon the demand of one of the two houses.

CHAPTER III.—JUDICIAL POWER.

Article 92. Disputes which have for their object civil rights are to be tried only by the tribunals.

Art. 93. Disputes which have for their object political rights are to be tried by the tribunals, with such exceptions as may be established by law.

Art. 94. No tribunal nor civil court shall be established except by law. No extraordinary commissions or tribunals shall be established under any name whatsoever.

Art. 95. There shall be for all Belgium one Court of Appeal.

This court shall not have original jurisdiction in any case, but the trial of Ministers.

Art. 96. The sessions of the tribunals shall be public, unless this publicity be dangerous to public order or morals; and in such a case, the tribunal must declare it to be so in a formal manner by a legal decision.

In the matters of political offenses and in those relating to the press, the unanimous opinion of the court is necessary in order to exclude the public.

Art. 97. Every judgment shall be accompanied with an opinion. It shall be pronounced in public session.

Art. 98. The jury shall be established in all criminal matters and for political and press offenses.

Art. 99. The Justices of the Peace and the judges of the tribunals shall be named directly by the King.

The Councillors of the Appellate Court and the Presidents and Vice-Presidents of the tribunals of first instance in their jurisdiction shall be appointed by the King from two lists; one presented by the courts, the other by the Provincial Councils.

The Councillors of the Court of Appeal shall be appointed by the King from two double lists, one presented by the Senate, the other by the Court of Appeals.

In these two cases the candidates named upon one list can be also named upon the other.

All these presentations shall be made public at least fifteen days before the appointment.

The courts shall choose from their own body their Presidents and Vice-Presidents.

Art. 100. The judges shall be appointed for life.

No judge shall be deprived of his place nor suspended except by a judgment.

The removal of a judge from one place to another can take place only by a new appointment and with his consent.

Art. 101. The King shall appoint and dismiss the representatives of the public ministry in the courts and tribunals.

Art. 102. The salaries of the members of the judicial class shall be fixed by law.

Art. 103. No judge shall accept from the government any salaried appointment; but he may perform the duties connected with such appointment gratuitously; reserving those cases of incompatibility established by law.

Art. 104. There shall be three Courts of Appeal in Belgium.

The law shall determine their jurisdiction and the places where they shall be established.

Art. 105. Particular laws shall regulate the organization of the military tribunals, their powers as well as the rights and obligations of the members of these courts and the duration of their functions.

There shall be commercial tribunals in the places established by law. Their organization, their powers, the mode of appointment of their members and the duration of the functions of these latter shall be prescribed by law.

Art. 106. The Court of Appeals shall decide questions of jurisdiction in a manner to be determined by law.

Art. 107. The courts of tribunals shall enforce administrative orders and general regulations both provincial and local only when they are in conformity with law.

#### CHAPTER IV.—PROVINCIAL AND COMMUNAL INSTITUTIONS.

Article 108. The provincial and communal institutions shall be regulated by law.

These laws shall secure the application of the following principles :

1. Direct election, save the exceptions which the law establishes in regard to the chiefs of communal administrations and the representatives of the government at the provincial council.

2. The assignment to provincial and communal councils of all matters which are of provincial and communal interest, without prejudice to the right of approving their acts in such cases and in such manner as the law may determine.

3. The publicity of the meetings of the provincial and communal councils within the limits established by the law.

4. The publicity of budgets and accounts.

5. The intervention of the King or the legislative power to hinder the provincial and communal councils from exceeding their powers and injuring the general interest.

Art. 109. The printing of the records of the civil, State, and the keeping of the registers are exclusively a matter of the communal authorities.

#### TITLE IV.

##### *Finances.*

Article 110. No tax for the benefit of the State shall be established except by law.

No provincial charge nor tax shall be established except by consent of the provincial council.

No communal tax or charge shall be levied without the consent of the communal council.

The law may determine the exceptions of which experience may demonstrate the necessity, relative to provincial and communal taxes.

Art. 111. All State taxes shall be voted annually.

The laws which authorize them shall be in force only for one year, unless they be renewed.

Art. 112. No privilege shall be established in the matter of taxation.

No exemption from a tax nor diminution thereof can be established except by law.

Art. 113. Except in the cases formally excepted by law, no contribution shall be demanded of the citizens except in the form of a State tax, or of a provincial or communal tax.

This provision shall not alter the existing regime in regard to polders and the wateringen which shall be subject to ordinary legislation.

Art. 114. No pension nor remuneration from the public treasury can be granted, except in accordance with law.

Art. 115. Each year the houses shall determine the law of accounts and shall vote the budget.

All the receipts and expenses of the State shall appear in the budget and in the accounts.

Art. 116. The members of the Court of Accounts shall be named by the House of Representatives for a term fixed by law.

This court shall be charged with the examination and with the liquidation of the accounts of the general administration,

together with the accounts of persons responsible to the public treasury. It shall see that no appropriation of the budget shall be exceeded and that no transfer from one head to another shall take place. It shall examine the accounts of the different administrative departments of the State and shall be charged with collecting for this end all necessary information and documents on the subject. The general account of the State shall be submitted to the houses with the observations of the Court of Accounts.

The court shall be organized by a law.

Art. 117. The salaries and pensions of the Ministers of Religion shall be chargeable to the State and the necessary sums therefor shall be annually carried in the budget.

## TITLE V.

### *The Army.*

Article 118. The method of recruiting the army shall be determined by law. Legal regulations shall also provide for the promotion, rights and obligations of the military.

Art. 119. The number of the army shall be fixed annually. The law which determines the number shall be in force only for one year, unless it be renewed.

Art. 120. The organization and powers of the armed police shall be regulated by law.

Art. 121. No foreign force shall be admitted into the service of the State, nor shall it occupy or traverse her territory, unless permitted by law.

Art. 122. There shall be a militia, the organization of which shall be regulated by law.

The officers of all grades as high as captain shall be chosen by the militia, with such exceptions as may be judged necessary in the case of the accountants.

Art. 123. The mobilization of the militia shall not take place except by law.

Art. 124. Members of the military shall be deprived of their rank, honors and pensions, except in a manner determined by law.

## TITLE VI.

*General Dispositions.*

Article 125. The Belgian nation hereby adopts for its national colors, red, yellow and black and for the royal arms, the Belgian lion with the motto, "Union makes strength." (L'Union Fait la Force.)

Art. 126. The City of Bruxelles shall be the capital of Belgium and the seat of government.

Art. 127. No oath can be imposed except by law, which shall determine the formula.

Art. 128. Every foreigner on Belgian territory shall enjoy the protection accorded to persons and property, with such exceptions as may be established by the law.

Art. 129. No law, or general administrative regulation, provincial or communal, shall be obligatory, until after it has been published in the form determined by law.

Art. 130. The Constitution can neither be suspended in whole nor in part.

## TITLE VII.

*Constitutional Revision.*

Article 131. The legislative power shall have right to declare that there is need for the revision of such constitutional provisions as it may designate.

Upon this declaration, the two houses are dissolved.

They shall both be convoked anew, conformably with article 71.

The houses shall act in common with the King, upon the points under revision.

In this case, the houses shall not sit unless two-thirds at least of the members which compose each of them are present, and no change shall be adopted which does not receive at least two-thirds of the votes.

Art. 132. In choosing the chief of the State for the first time the first provision of article 80 may be dispensed with.

## TITLE VIII.

*General Dispositions.*

Art. 133. Foreigners established in Belgium before the first day of January, 1814, and who have continued to reside therein

shall be considered Belgians by birth, upon condition that they declare their intention to enjoy the benefit of the present provision.

The declaration must be made within six months, counting from the day when the present Constitution shall go into force, provided such persons are of age. If they be minors, the declaration must be made within the year which shall follow their majority.

This declaration must be made before the provincial authorities having jurisdiction over the place where they reside.

It must be made in person or by a legal proxy, having a special and authentic power of attorney.

Art. 134. Until the passage of a law relating to the matter the House of Representatives shall have a discretionary power, in accusing a Minister, and the Court of Appeals, a similar power in judging him, as to defining the offense and determining the punishment therefor.

Nevertheless, the punishment shall not exceed imprisonment; without prejudicing, however, the cases expressly provided for by the penal laws.

Art. 135. The personnel of the courts and of the tribunals shall be maintained as it actually exists, until other legal provision is made.

A law covering this matter shall be passed during the first legislative session.

Art. 136. A law to be passed in the same session, shall determine the method of the first appointment of the members of the Court of Appeals.

Art. 137. The fundamental law of the 24th of August, 1815, is hereby abolished, as well as the provincial and local statutes.

Meanwhile the provincial and local authorities shall preserve their powers until the law has otherwise provided.

Art. 138. Counting from the day when the Constitution shall go into effect, all laws, ordinances, resolutions, rules and other acts contrary thereunto are hereby abrogated.

#### *Supplementary Dispositions.*

Article 139. The National Congress shall take action by separate laws as soon as possible upon the following matters :

1. The press.
2. The organization of the jury.

3. Finances.
4. Provincial and communal organizations.
5. Responsibility of Ministers and other executive agents.
6. Organization of the judiciary.
7. Revision of the pension list.
8. Proper measures to prevent the abuse of the plurality of offices.
9. Revision of legislation concerning bankruptcies and reprise.
10. The organization of the army, the rights of promotion and retirement and the penal military code.
11. The revision of the codes.

The executive authority is hereby charged with the execution of the present ordinance.

SUBMITTED TO THE  
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE,  
1894.

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POLITICAL CONSTITUTION  
OF THE  
EMPIRE OF BRAZIL.

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# INTRODUCTION

## TO THE

### CONSTITUTION OF THE EMPIRE OF BRAZIL.

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Brazil's position in the political world of America has been a unique one. Her people are chiefly descendants of the Portuguese and Portuguese is the language of the country, and her territory is almost as large as that of the United States. While other South American countries—the Spanish Republics—have been more or less disturbed by internal revolutions, Brazil, under a constitutional monarchy, enjoyed an almost unbroken peace from the time of her independence in 1822 until the present.

Whatever revolutions she has passed through, whether in freeing herself from the mother country, or in setting aside the monarchy, have been so well supported by popular sentiment, and kept so well in hand by self-restraint, that they have been comparatively free from bloodshed.

Whatever the forces behind the constitutional development of Brazil may have been, its history down to the overthrow of the Empire has been practically the history of the ruling family. This fact should be borne in mind in reading the present introduction. Prior to 1808 Brazil was a colony of Portugal, ruled by a Viceroy and hemmed in on all sides by restrictions that prevented her natural development. Industries of every kind even the most essential for a new country, were prohibited, as were also commerce and immigration, and, indeed, everything else that could make the country independent of the industries and commerce of Portugal; while the famous gold and diamond mines of Brazil poured their glittering wealth into the lap of Portuguese royalty.

But in the year 1807 the Napoleonic wars swept down upon the peninsula and the royal family of Braganca, in the effort to save a part at least of the royal dominion, fled from Portugal and took refuge in Brazil. This act of the ruling family soon put an end to colonial Brazil, and led promptly up to her constitutional government.

The Prince Regent (afterwards D. Joao VI.) on his way to Rio de Janeiro put in at Bahia, and during his stay there issued a royal decree (January 28, 1808) opening that port to the commerce of friendly nations. This was the first step towards the commercial and political independence of Brazil.

The royal family was accompanied by many of the Portuguese nobility, and took with them to Brazil the splendors of a European court. The Brazilians received the royal family with the greatest joy, the royal tribunals were established at Rio de Janeiro, and during the residence of Dom Joao the government was conducted pretty much as it had been in Portugal.

The ports of the country were opened to foreign commerce, foreign merchants established business houses there, printing presses were intro-

duced, weaving was allowed, a mint, a national bank, hospitals and schools were founded, and all kinds of industry were encouraged.

December 16, 1815, the Prince Regent issued a decree making "a perfect union and identity between my Kingdom of Portugal, the Algarves, and my dominions of Brazil," and raising Brazil to the dignity of a Kingdom.

The aged Queen Donna Maria I died at Rio de Janeiro, March 20, 1816, and Dom Joao VI was crowned February 5, 1818.

The favors shown Brazil by the King, the injuries done Portuguese industry and trade by the opening of Brazilian ports to all nations, the demands made upon the mother country for troops and money, and "a despotism unsupported by the pomp of royalty" (Armitage I, 22), only added to the uneasiness in Portugal. During the King's absence, therefore, the Cortes, following the examples of Spain and Italy, had come together after more than a hundred years, and had adopted a Constitution limiting the powers of Monarchy. The news of this action on the part of the Cortes created a profound impression and excited great sympathy among Brazilians, who also now demanded a Constitution. There must have been already a deep-seated and widespread sentiment among Brazilians in favor of Constitutional government, for the demands for a Constitution sprang up almost immediately upon receipt of the news of its adoption in Portugal. The journalism of the times had but little or nothing to do with the matter, for it was not of a kind either to form public opinion or to express it; by the only newspaper at Rio de Janeiro at this time "the public were duly and faithfully informed concerning the health of all the princes in Europe. Official edicts, birthday odes and panegyrics on the reigning family also from time to time illumined its pages, which were unsullied either by the ebullition of democracy, or the exposures of grievances." (Armitage, I, 20.)

In a manifesto dated February 18, 1821, the King promised to adapt the Constitution to the needs of Brazil. This was regarded as temporizing and only exasperated the people; the soldiers mutinied and a general riot was about to break out. The account of the immediate events that ushered in a Constitution is thus given by Pereira da Silva. This was on the 26th of February, 1821.

"Having learned what was going on the King called his son D. Pedro 'de Alcantara, and charged him with arranging and settling matters. Thus dawned the first occasion on which the Prince came 'freely upon the political scene . . . D. Pedro did not hesitate to 'accept the delicate mission. Either by a previous understanding with his 'father regarding the excitement of the revolution already begun, or inspired later by the force of events and by the liberal ideas he already 'held, he left Sao Christovao (the Emperor's residence) for the seat of the 'disturbance accompanied by only one servant. He rode boldly through 'the files of the soldiers in revolt, through the artillery at the entrance of 'the Largo do Rocio, through the surging crowds of people who had 'flocked together shouting vivas for the Constitution of Portugal, and 'through the very chiefs of the movement, commanding the respect of all 'by his decision and courage. He ascended to the veranda of the 'Sao Joao Theater and demanding silence asked the revolutionists in a 'loud voice what they wanted. Unanimous shouts in favor of the Consti-

"tution of the future Monarchy quickly answered him. The Prince "replied to the people and the troops that as the Constitution asked by them "had not yet been made by the Cortes, and as the adaptability of its provisions to Brazil were uncertain, the King had already wisely provided "by decrees for the meeting at Rio de Janeiro of the Representatives of "the cities and villags of Brazil and the nomination of persons skillful "and capable of advising as to what would meet the necessities and "legitimate aspiration of his Brazilian subjects.

"Advocate Macomba then spoke declaring that the troops and the people demanded positively that the Constitution should be recognized and "sworn to at once at Rio de Janeiro, exactly as the Cortes of Lisbon might "promulgate it. . . . The unanimous applause and vivas of the troops "and the people showed the uselessness of any resistance that D. Pedro "might offer them. With a view to quieting and directing the movement "he assured them that he would return to Sao Christovao, would lay the "wishes of his subjects before his father, receive his orders, and communicate to them immediately, enjoining quiet and order during his absence.

"He did not spend much time in arguing with the King upon the best "measures for the occasion. D. Joao yielded to the impulses of his son. "The Prince returned to the Largo do Rocio. He had called together the "officers of the Senate, of the chambers, and various important individuals "and functionaries. Ascending again to the veranda of the theater he "read aloud a decree dated the 24th, in which the King revoked those "anterior to the 18th, acquiesced in the will of the subjects, approved and "swore to the Constitution then being made in Portugal and applied it "to the Kingdom of Brazil and the other dominions of the Crown.

"Loud and long vivas broke forth for the King and the Prince." A new ministry was called, papers were drawn up for taking the oath to the Constitution as established by the Cortes of Portugal, the Prince took the oath on behalf of his father and on his own account, and the people were asked to follow his example. "When his orders were obeyed "the prince returned to San Christovao roundly applauded by the crowds of "the people who in their enthusiasm accompanied him almost to the "palace."

"By this act Dom Pedro placed his seal upon the revolution. He entered his public career upon a popular riot and the uprising of the troops. "From his first steps he was accustomed to the conflict of factions, to the "tumults of the streets and the agitation and convulsion of the people in "revolt, all of which increased his natural courage and prepared him for "bold, quick and hardy deeds."

On the same day the King went to the city, was enthusiastically received, and either from personal conviction or because there seemed to be no escaping it, expressed his approval of what had been done.

The whole country seemed to be equally ready and eager for the Constitution, for already on the 10th of February it had been adopted at Bahia and on March third it was sworn to at Pernambuco.

It does not appear, however, that the people had any clear idea as to what the Constitution they had adopted was, further than that it put a limit to absolutism.

For several year, both prior to this time and subsequently, the government was more or less disturbed and threatened by petty jealousies between the Portuguese, many of whom had come over with the King, and to whom he was naturally attached, and the native Brazilians, who were the chief dependence and who furnished the material and effective support of the King and his court. Similar jealousies existed throughout the country, and political parties, whether local or national, usually separated into groups of Brazilians and Portuguese.

Affairs in Portugal had now reached such a pass that it was necessary that the King should either return to that country or send the Prince. He at first decided to send the Prince but later concluded to go himself. Accordingly in April, 1821, Dom Joao made his son, Dom Pedro, then 23 years of age, regent, and leaving him three ministers, he himself returned to Portugal, accompanied by many of those who had gone to Brazil with him in 1808.

The amount of money taken out of Brazil by the King and by those returning to Portugal with him was a matter of no small importance to the former country.

The King had scarcely embarked when the political independence of Brazil began to be agitated, though there was some local disaffection at Villa Rica (now Ouro Preto) and at Maranhao, where the people professed to ignore the Prince Regent and to be responsible only to the Cortes of Portugal, while in Sao Paulo a provisional government had been established and the oath taken in support of the Constitution.

By a decree of September 29th, 1821, the Portuguese Cortes abolished the Brazilian tribunals, treasury, board of commerce, and other departments established in that country, the Prince was directed to return to Europe, and Brazil was to revert to her colonial condition and relations.

This action naturally excited the greatest indignation on the part of the Brazilians and met with prompt resistance throughout the country.

The first positive movements towards independence had been made in Sao Paulo and in Pernambuco. In the former place the people demanded a provincial junta of which the able and distinguished Jose Bonifacio de Andrada e Silva was vice-president. When the news of the Regent's recall reached Sao Paulo the junta immediately addressed itself to the Regent urging him to disregard the orders from Portugal, while similar petitions reached him from other parts of the country. After more or less hesitation, the Prince promised (January 9, 1822) to comply with the requests of the people and to remain in Brazil. The private letters written by the Prince to his father and published by order of the Portuguese Cortes show, however, that up to October 4, 1821, he was determined to be faithful to the Portuguese Constitution. Indeed, on the very day of his promise to remain he called a meeting of his ministry and asked whether or not he should obey the order recalling him to Europe.

The final decision filled the Brazilians with joy, and when the Portuguese troops stationed at Rio mutinied against the authority of the Prince, the people formed an army for his support, retired officers, priests, public employes and merchants taking up arms and enlisting as private soldiers. The Portuguese troops were compelled to withdraw across the bay, whence they were afterwards removed to Portugal.

By a decree dated February 16, 1822, a council of the Representatives of the provinces was called. In March and April, accompanied by a small private suite, the Prince made a flying visit to Ouro Preto, Minas Geraes, by which he quieted the dissatisfaction and secured for himself the adhesion of that province. On the 3d of June, at the request of deputations from Minas Geraes, Sao Paulo and Rio de Janeiro, he called a legislative assembly from all the provinces, and on August 1st, a manifesto was published insisting upon the autonomy of Brazil, though not upon her complete independence. Among other things he said: "I have taken the part the people desired, and have convoked the assembly of Brazil in order to cement the political independence of this Kingdom without breaking altogether the bonds of fraternity with Portugal; harmonizing with decorum and justice the entire United Kingdom of Portugal, Brazil and Algarves and preserving beneath the same chief two families, separated by vast seas, that can only be united by the bonds of equality, right and reciprocal interests."

When the news of these affairs reached the Cortes of Portugal that body annulled the Prince's call for a legislative assembly and all other legislative acts of the government at Rio de Janeiro, he himself was peremptorily ordered to Lisbon, all officers and other functionaries obeying his commands after the publication of this decree were declared to be traitors, and the home government was authorized to use every means in its power to have these orders carried out. (Pereira da Silva, VI., 161 and 297.) These decrees were sent at once to the Prince, accompanied by a personal note from his father in which he said of them:

"I recommend your observance and obedience of these orders, for in this way you will gain the esteem of the Portuguese whom you will one day govern, and it is necessary that you give them decided proofs of your love of the nation." (Pereira da Silva, VI, 169.)

In order to secure the adhesion of Sao Paulo and to allay the uneasiness of the people of that important part of the country, the Prince made a trip to that province; he reached Sao Paulo on the twenty-sixth of August, and was received with the greatest enthusiasm, respect and affection. While riding in the vicinity of that city on the campos of Ypiranga on the 7th of September a messenger brought him from Rio de Janeiro the decrees and letters that had just arrived from Lisbon. He read them on the spot, at once declared his purpose of freeing himself and Brazil from further responsibility to the crown of Portugal, and his acclamation, "Independencia ou morte," was taken up as the watchword of the Brazilian revolutionists.

Dom Pedro hastened to Rio de Janeiro where the municipal authorities pronounced him Emperor; the title was accepted by him, and on the 12th of October he was publically and formally acclaimed Constitutional Emperor of Brazil under the name of Dom Pedro Primeiro, and was crowned December 1st of the same year—1822.

Portugal was not in a condition at this time to make any formidable attempt to hold the colony, and the most serious obstacle to the immediate success of the revolution was the opposition of some of the Brazilian provinces, notably Bahia, Maranhao and Para. At these places Portuguese governments were maintained for a short time. A naval expedi-

tion, however, was sent out by the Emperor under the command of Lord Cochrane, who quickly overthrew the Portuguese governments, scattered the Portuguese ships and established the imperial authority.

The Emperor called a Constitutional and General Assembly, which met April 17th, 1823, though it did not open formally till May 3d, on which occasion the Emperor delivered an address in which he set forth the condition of the country and suggested the policy to be pursued in forming the Constitution.

This was the first Constitutional Assembly of Brazil.

"The majority of the members of the Assembly were juriconsuls and magistrates. There were not less than 48 of these in the Assembly; then followed the clergy with 19 ecclesiastical deputies; seven military men, small proprietors and a few administrative functionaries completed the organization. As yet there were no party ties, no factional interests, no cliques."

Of the working of the Constitutional Assembly Pereira da Silva says: There were often mingled with the discussions and deliberation upon legislative subjects proper, irrelevant debates upon administrative and executive questions, some of them even insignificant and petty affairs which the Assembly decided by the emission of opinions through committees, who, besides being improperly instructed and posted, tended to interfere with the regular public business. Important and urgent discussions were suspended that they might attend to complaints sent in by prisoners in jails, to reclamations addressed to them by private parties, to the requests to public employes, to the demands of military officers who wanted promotion, to the statements of chambers and corporations of divers kinds who wanted something that was not within the sphere of the functions of Representatives of the country who were charged with the lofty mission of drafting a political Constitution that was urgently needed by the State for its free and untrammelled government."

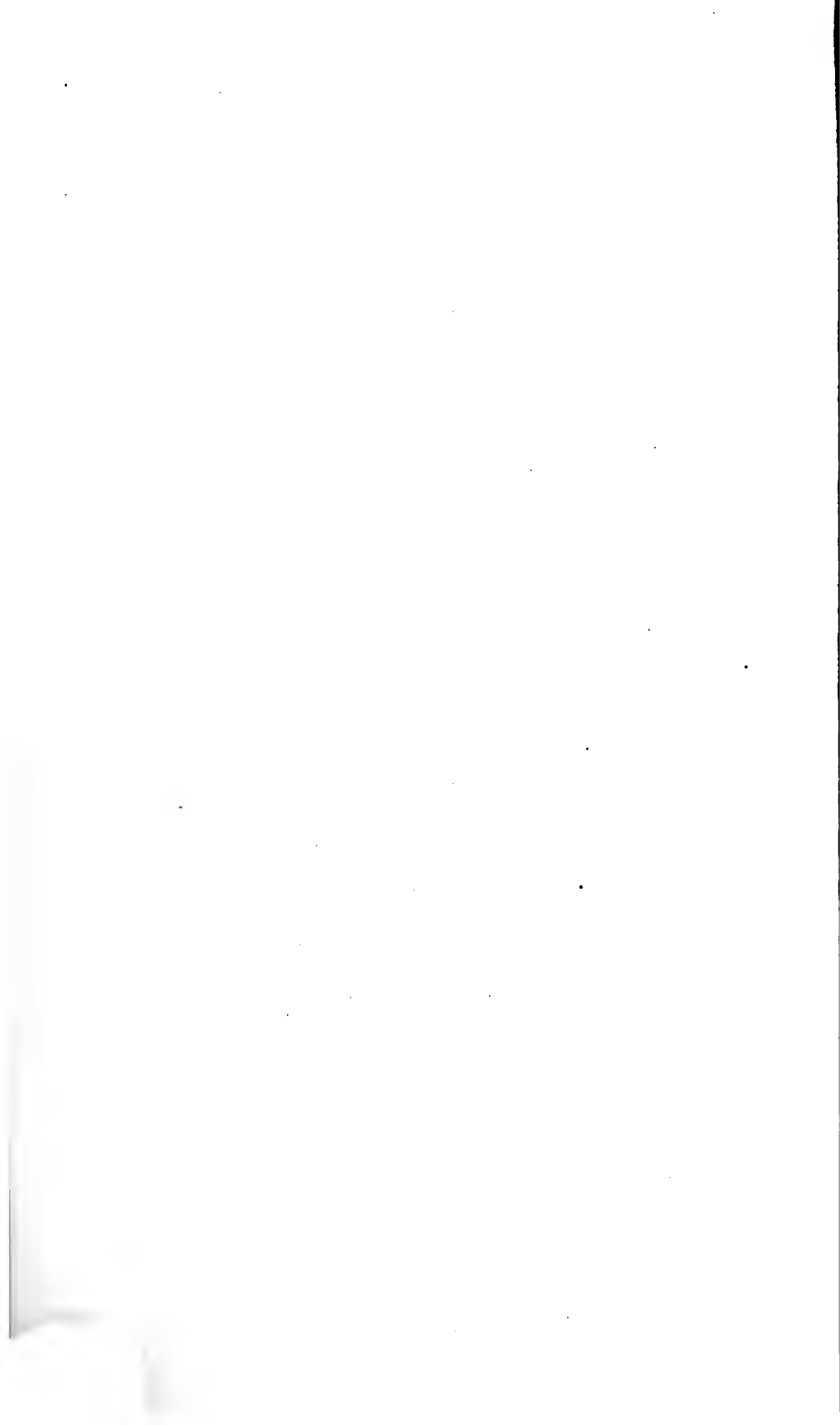
The draft of the finished Constitution was signed by the committee August 30, was presented to the Assembly, September 2, 1823, and thereupon published and circulated. But before final action could be taken upon it disagreements between the Emperor and his ministers and the Assembly, and on November 12th the Assembly was dissolved, and another one called to take its place. In his decree the Emperor said of the one newly convoked that it should prepare the project of a Constitution he would present, that should be "twice as liberal as that drawn up by the extinct Assembly."

The new Assembly convened November 12th of that year and on December 11th the Constitution was ready, and a few days later was published under the title of a "Project of the Constitution of the Empire of Brazil drawn up in the Counsel of State upon the basis presented by His Imperial Majesty, D. Pedro I."

It met with such prompt and strong support that, without waiting to submit it to further discussion, on the 25th of March, 1824, this Constitution was sworn to by the Emperor, the Empress, the ministers and councillors of State and other public functionaries, and at the same time by public officers and citizens throughout the Empire.

The local disaffections were soon adjusted, and in August, 1825, within three years from the time of Brazil's declaration of Independence, her independence was recognized by Portugal, and that great country was left to her destiny.

The Constitution here given is that adopted in 1824, the one under which Brazil passed her entire existence up to 1889 when the Empire was overthrown.



# CONSTITUTION OF THE EMPIRE OF BRAZIL.

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  23. No session can be held in either of the two chambers, unless.
  24. The sessions of both chambers shall be public, unless.
  25. Questions to be decided by absolute majority of votes.
  26. Members of each of the chambers are violable for opinions expressed in the exercise of their functions.
  27. No Senator or Deputy during the term of his office may be arrested, except.
  28. In case sentence be pronounced upon any senator or deputy.
  29. Senators or deputies may be appointed ministers or counselors of State.
  30. They may also combine the two functions when either of the positions mentioned is held at the time they are elected.

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31. No one can be a member of both chambers at the same time.
32. When the exercise of any other office with the exception of that of counselor of State and minister of State ceases.
33. In the interval between the session of the Assembly.
34. In case it becomes necessary that a senator or deputy should go upon another commission respecting the chamber.

## Chapter II.

*Of the Chamber of Deputies.*

35. The chamber of deputies is elective and temporary.
36. In regard to imposts, recruiting and the choice of a new dynasty.
37. Other measures which shall begin in the Chamber of Deputies.
38. It is an initiative attribute of the same chamber to bring accusation against ministers and counselors of State
39. Salary of the deputies. To be reimbursed for the expenses of their journeys.

## Chapter III.

*Of the Senate.*

40. Of whom the senate is composed.
41. Number of senators to be furnished by each province. In case the number is odd.
42. In case of a province that has but one deputy.
43. How elections are to be held.
44. In case the places of senators become vacant.
45. Qualifications necessary to become a senator.
46. The princes of the Imperial house are senators by right.
47. Enumeration of the exclusive functions of the Senate.
48. Who shall bring complaint in the judgment of crimes in which the accusation is not

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- the duty of the Chamber of Deputies.
49. When the session of the Senate shall begin.
50. The meeting of the Senate at any other time than during the sessions of the Chamber of Deputies is illegal and null, except.
51. The salaries of the senators.

## Chapter IV.

*Of the Proposition, Discussion, Sanction and Promulgation of Laws.*

52. The proposal, opposition and adoption of bills belong to each of the chambers.
53. The executive power makes through its ministers its proposals for the enactment of laws. When a proposal can become a bill.
54. Only senators and deputies to vote on the proposition.
55. In case the Chamber of Deputies adopts a bill.
56. If it cannot adopt the proposal.
57. Formula for sending propositions by the Chamber of Deputies to the Senate. The Chamber of Deputies admits and approves.
58. In case the Senate does not adopt the bill entirely.
59. In case the Senate after deliberation decides that it cannot pass the proposition.
60. Custom to be followed by the Chamber of Deputies.
61. In case the Chamber of Deputies does not approve the amendments or additions of the Senate or vice versa.
62. In case on the conclusion of the discussion either of the two chambers fully adopts the bill sent by the other chamber.
63. How this remittance shall be made.
64. In case the Emperor refuses to give his consent.
65. Effect of this refusal.

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66. The Emperor shall give or refuse his sanction to each decree within a month from the time it is presented.
67. In case he does not give it within the time specified.
68. How the Emperor shall express himself in case he adopts the bill of the General Assembly.
69. The formula in which the law shall be promulgated.
70. After the law is signed by the Emperor, referred to the Secretary of State and sealed.

Chapter V.

*Of the Councils-General of a Province and of their Functions.*

71. The Constitution recognizes and guarantees the right of every citizen.
72. How this right shall be exercised by the chamber of districts and by the councils.
73. Of how many members the Councils-General shall consist.
74. Time and place at which the province's election shall take place.
75. Qualifications necessary for a member of the Councils.
76. Where its meeting shall be held.—When they shall nominate a President, Vice-President, etc.
77. Every year there shall be a session, which shall last two months.—May be prorogued longer, provided.
78. Number necessary to be present to hold a session.
79. Who cannot be elected members of the Council-General.
80. The President of the province at the opening of the Council-General.
81. Chief objects of these Councils.
82. In regard to affairs which should begin in the chambers.—How their decisions will be determined.
83. Bills which cannot be either proposed or discussed in these Councils.
84. Where the resolutions of the

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- Councils-General of a province shall be sent.
85. In case the General Assembly is at this time in session.
86. If the General Assembly is not in session at this time.
87. In case these circumstances do not exist.
88. When the General Assembly meets these suspended resolutions.
89. The manner of conducting the Councils-General.

Chapter VI.

*Of Elections.*

90. In regard to the nominations of the Deputies and Senators for the General Assembly.
91. The following persons have votes in these primary elections.
92. The following persons are excluded from voting in the parochial assemblies.
93. Those who cannot vote in primary parochial elections cannot be members or vote on the nomination of any elective authority.
94. In regard to those who can vote in the parochial assembly.
95. All those who may be electors are qualified to be nominated as deputies, excepting:
96. Those who are eligible as senators or deputies.
97. The method of elections shall be fixed by a regulating law.

TITLE V.

*Of the Emperor.*

Chapter I.

*Of the Moderating Power.*

98. The moderating power is the key to the whole political organization.
99. The person of the Emperor is inviolable and sacred.—His responsibility.
100. Enumeration of the titles of the Emperor.
101. The Emperor exercises the moderating as follows:

## Chapter II.

*Of the Executive Power.*

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102. The Emperor is the chief of the executive power and exercises it through his ministers of State.
103. The oath of the Emperor.
104. The Emperor cannot go out of the Empire of Brazil without the consent of the General Assembly. In case he does so.

## Chapter III.

*Of the Imperial and its Dowry.*

105. Title of the presumptive heir of the Empire. Title of his first born son, etc.
106. The oath of the heir presumptive on completing fourteen years of age.
107. Dowry of the Emperor and Empress.
108. The dowry assigned to the present Emperor and his august spouse shall be increased.
109. The General Assembly to make provisions for the Prince Imperial and the other Princes as soon as they may be born.
110. How the tutors of the Princes shall be chosen and appointed.
111. Tutors required to report at the first session of the Legislature the State of advancement of their august pupils.
112. When the princesses are about to marry.
113. To the princes who may marry and go and live outside the Empire.
114. The endowments, allowances, and portions above mentioned shall be paid by the public treasury.
115. In regard to the palaces and national lands now belonging to Sr. D. Pedro I.

## Chapter IV.

*Of the Succession of the Empire.*

116. Sr. D. Pedro I, shall always rule in Brazil.
117. In regard to his legitimate offspring.

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118. In case the lines of the legitimate descendants of Sr. D. Pedro I, being extinct during the life of the last descendant and in his reign.
119. No foreigner can succeed to the crown of the Empire of Brazil.
120. In regard to the marriage of the princess presumptive heir to the crown.

## Chapter V.

*Of the Regency During the Minority or Impediment of the Emperor.*

121. The Emperor is a minor until he is 18 years of age.
122. How the Empire shall be governed during his minority.
123. In case the Emperor has no relative who combines these qualities by whom the Empire shall be governed.
124. How the Empire shall be governed during the time in which the regency is not elected.
125. In case of the death of the ruling Empress this regency shall be presided over by her husband.
126. In case the Emperor should become unfit to govern.
127. The regent and the regency shall take the oath mentioned in article 103.
128. The acts of the regency and of the regent shall be dispatched in the name of the Emperor by the following formula.
129. Neither the regency nor the regent shall be responsible.
130. Who shall be the tutor of the successor to the crown during the minority.

## Chapter VI.

*Of the Ministry.*

131. There shall be different departments of State. The law shall designate their number.
132. Ministers of State to counter-sign or sign all the acts of the executive power.

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133. The responsibility of the Ministers of State.
134. A particular law shall specify the nature of these offenses and the manner of proceeding against them.
135. The order of the Emperor, whether verbal or written does not relieve the ministers from responsibility.
136. Foreigners cannot be Ministers of State.

Chapter VII.

*Of the Council of State.*

137. There shall be a council of State composed of five Counselors appointed by the Emperor.
138. Their number shall not exceed ten.
139. The Ministers of State are not included in this number.
140. Qualities required to become a Counselor of the State.
141. Before assuming office the counselors of State shall take of the Emperor the oath.
142. Affairs in which the counselors shall be heard.
143. Responsibilities of the Counselors of State.
144. Princes to belong to the Council of State.

Chapter VIII.

*On the Military Force.*

145. All Brazilians are under obligations to take up arms.
146. The land and military force.
147. The military force is essentially obedient; it can never come together, unless so ordered.
148. The employment of an armed land and sea force belongs to the executive power.
149. The officers of the army and navy cannot be deprived of their commissions, except.
150. A special ordinance shall regulate the organization of the army of Brazil.

TITLE VI.

*Of the Judicial Power.*

Chapter I.

*Of the Judges and Tribunals of Justice.*

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151. The judicial power is independent. Of whom composed.
152. The jurymen decide upon fact and the judges apply the law.
153. The judges of the law are perpetual.—Can be moved from place to place.
154. The Emperor may suspend them, provided.
155. These judges can lose their places only by sentence.
156. Responsibility of judges and officials of justice.
157. When suits may be brought against the judges.
158. Who to judge the cases in the second and last instance.
159. In criminal cases the examination of witnesses shall be public.
160. In civil suits and in penal cases brought civilly the parties may appoint arbitrating judges.
161. No suit to be begun, unless.
162. To this end there shall be judges of the peace who shall be elected the same as the aldermen.—Their duties and districts will be regulated by law.
163. The Supreme Court of Justice; of whom composed.
164. The duty of this court.

TITLE VII.

*Of the Administration and Economy of the Provinces.*

Chapter I.

*Of the Administration.*

165. There shall be in each province a president appointed by the Emperor.
166. The law shall designate his attributes, fitness and authority.

Chapter II.

*Of the Chambers.*

167. In all cities and towns now existing and those that may be

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- created there shall be chambers for the economic and municipal government of cities and towns.
168. The chambers shall be elective; of whom composed; who to be president.
169. The exercise of their municipal functions shall be fixed by law.

### Chapter III.

#### *Of the National Finances.*

170. The receipt and expenditure of the national finances shall be intrusted to a tribunal under the name of the National Treasury.
171. All taxes to be fixed by the General Assembly, except.
172. Duties of the Ministers of the Treasury.

### TITLE VIII.

#### *Of the General Dispositions and Guarantees of the civil and political Rights of Brazilian Citizens.*

173. Duty of the General Assembly at the beginning of its session.
174. In regard to the amendment of the Constitution.
175. The proposition shall be read three times at intervals of six days between the readings.
176. After the necessity of the amendment of the article is recognized a law shall be passed.
177. At the first session of the next Legislature the matter shall be brought forward and discussed.
178. In regard to those things which pertain to the Constitution; in regard to changing that which is not constitutional.
179. The inviolability of the civil and political rights of Brazilians based upon liberty, individual security and property, is guaranteed by the Constitution and the Empire in the following manner.

*Laws of August 12, 1884.*

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1. In regard to the right recognized and guaranteed by article 71 of the Constitution. The authority of the Legislative Assembly.
2. Number of members of each of the provincial legislative assemblies. Number subject to alteration.
3. The general legislative power may decide upon the organization of a second legislative chamber.
4. In regard to the election of these assemblies. When they shall proceed in each of the provinces to the election of the members of their first provincial legislative assemblies.
5. Where the first meeting shall be held; where subsequent ones may be held.
6. In regard to the appointment of the respective presidents, vice-presidents and secretaries.
7. Every year there shall be a session which shall last two months with the power of being prorogued when the president may think it necessary.
8. The president of the province shall be present at the opening of the provincial assembly; when the same shall take place; duty of president.
9. In regard to articles 81, 83, 84, 85, 86, 87, and 88 of the Constitution.
10. It is the function of the same assemblies to legislate upon the following.
11. The duty of the provincial legislative assemblies.
12. Subjects upon which the provincial assemblies shall not legislate.
13. In regard to the laws and resolutions of the provincial legislative assemblies relating to specified objects in articles 10 and 11. The laws that are excepted.
14. In case that the president feels that he ought to sanction a law

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- or resolution it is to be done in the following formula.
15. In case the president wishes to refuse his sanction.
16. In case the president refuses his sanction from understanding that the bill conflicts with the right of some other province.
17. If at this time the General Assembly is not in session and if the government thinks that the bill ought to be sanctioned, how done.
18. When the law or resolution is sanctioned the president shall order it published as follows:
19. The president shall give or refuse his sanction within ten days. In case he does not give it within that time.
20. The president of the province shall send to the General Assembly and to the general government authentic copies of all the legislative provincial acts that may have been promulgated.
21. The members of the provincial assemblies shall be inviolable for opinions expressed in the exercise of their functions.
22. Salary of the provincial assemblies; annual indemnity for expenses in going and coming; subsidy and the indemnity to be determined by the president.
23. In regard to the members of the provincial assemblies who may be public employees.
24. Besides the functions which attach by law to the presidents of the provinces they have the power also as follows:
25. In case the doubt regarding the intelligibility of any article of this amendment.
26. How the Empire shall be governed during the minority of the Emperor should he have no relative who combines the qualities required by article 122.
27. By whom this election shall be held.

28. The President of the Senate upon receiving the reports of all the colleges shall open them in joint session of the General Assembly, and shall have the votes counted; the citizen who receives a majority shall be regent; in case of a tie.
29. The general government shall fix the same day for this election in all the provinces of the Empire.
30. In case the regent does not enter upon his duties.
31. The ruling regent shall govern until the regent treated of in article 26 shall have been elected.
32. The Council of State treated of in title V, chapter VII of the Constitution is hereby abolished.

*Laws of the 12th of May, 1840, Interpreting some amendments of the Constitution.*

1. In regard to the word municipal in article 10, paragraph 4 of the additional act.
2. In regard to the ability to create and suppress municipal and provincial offices conceded to the provincial assemblies by paragraph 7 of article 10.
3. In regard to whom paragraph 11 of article 10 refers to.
4. The word magistrate in article 11, paragraph 7 of the additional act does not refer to the members of the superior courts and tribunals.
5. In regard to the suspension and dismissal of the magistrates.
6. The decree of suspension or dismissal should contain the following:
7. In regard to article 16 of the additional act.
8. The provincial laws that may conflict with the interpretation given in the preceding article are not to be regarded as repealed, unless.

## IN THE NAME OF THE MOST HOLY TRINITY.

## TITLE I.

*Of the Empire of Brazil, its Territory, Government, Dynasty and Religion.*

Article 1. The Empire of Brazil is the political association of all Brazilian citizens. They form a free and independent nation, which does not admit with any other (nation), any bond of union or federation that conflicts with its independence.

Art. 2. Its territory is divided into provinces in the form in which they are at present; they may, however, be subdivided as the good of the State may require.

Art. 3. Its Government is monarchical-hereditary, constitutional and representative.

Art. 4. The ruling dynasty is that of Senhor D. Pedro I, actual Emperor and Perpetual Defender of Brazil.

Art. 5. The Apostolic Roman Catholic religion shall continue to be the religion of the Empire. All other religions shall be permitted with their domestic or private worship in buildings destined therefor, but without any exterior form of a temple.

## TITLE II.

*Of Brazilian Citizens.*

Article 6. Brazilian citizens are

I. Those who may be born in Brazil, whether they be born free (ingenuos) or may be set free (libertos) even though the father be a foreigner, so long as he is not resident here in the services of his own nation.

II. The children of a Brazilian father and the illegitimate children of a Brazilian mother, born in a foreign country, who may come to establish their homes in the Empire.

III. The children of a Brazilian father who may be in a foreign country in the service of the Empire, even though they do not come to establish their homes in Brazil.

IV. All those born in Portugal and in her possessions, who, being residents in Brazil at the time when independence was proclaimed in the provinces in which they then resided, adhered to it expressly or tacitly by a continuation of their residence.

V. Naturalized foreigners whatever their religion. The law shall determine the qualifications for naturalization.

Art. 7. He loses his rights as a Brazilian citizen:

I. Who becomes naturalized in a foreign country.

II. Who, without the permission of the Emperor, accepts employment, pension, or decoration from any foreign government.

III. Who is sentenced to banishment.

Art. 8. The exercise of political rights is suspended

I. For physical or moral incapacity.

II. For sentence condemning to prison or banishment (degredo) during the time the sentence is in effect.

### TITLE III.

#### *Of all Powers and National Representation.*

Article 9. The division and harmony of the political powers is the chief conservator of the rights of citizens and the surest means of making effective the guarantees which the Constitution offers.

Art. 10. The political powers recognized by the Constitution of the Empire of Brazil are four: Legislative, moderating, executive, and judicial.

Art. 11. The representatives of the Brazilian nation are the Emperor and the General Assembly.

Art. 12. All these powers in the Empire of Brazil are delegations of the nation.

### TITLE IV.

#### *Of the Legislative Power.*

##### Chapter I.

Article 13. The Legislative power is delegated to the General Assembly with the sanction of the Emperor.

Art. 14. The General Assembly is composed of two chambers, the Chamber of Deputies, and the Chamber of Senators or the Senate.

Art. 15. The functions of the General Assembly are:

I. To take the oath to the Emperor, the Imperial Prince, and the Regent or the Regency.

II. To choose the Regency or the Regent and to define the limits of his authority.

III. To recognize the Imperial Prince as the successor to the throne at the first meeting after his birth.

IV. To appoint a tutor to the minor Emperor in case his father may not have appointed one in his will.

V. To settle questions that may arise concerning the succession to the crown.

VI. At the death of the Emperor, or in case of a vacancy of the throne, to institute an examination of the administration ended and to reform the abuses introduced therein.

VII. To choose a new dynasty in case of the extinction of the ruling one.

VIII. To make, to interpret, to suspend and to repeal laws.

IX. To watch over the Constitution and to promote the well-being of the nation.

X. To fix annually the public expenses and to apportion the direct tax.

XI. Upon the information of the Government to fix annually the land and naval forces, both ordinary and extraordinary.

XII. To admit or refuse entrance of foreign forces, whether naval or land, to the Empire or its ports.

XIII. To authorize the Government to contract loans.

XIV. To establish convenient means for the payment of the public debt.

XV. To regulate the administration of national property and to make disposition of it.

XVI. To create or suppress public offices and to fix the compensations therefor.

XVII. To determine the weight, value, inscription, type, and denomination of coins, and also the standards of weights and measures.

Art. 16. Each of the chambers shall be addressed as: August and Most Worthy Senhores Representatives of the Nation.

Art. 17. Each Legislature shall last four years; and each annual session four months.

Art. 18. The imperial opening session shall be on the third of May of each year.

Art. 19. There shall also be an imperial closing session, and this as well as the opening session shall take place in joint session of the General Assembly.

Art. 20. Its ceremonial and that of the notification of the Emperor shall be according to the rules for its internal Government.

Art. 21. The nomination of the respective Presidents, Vice-Presidents, and Secretaries of the chambers, the verification of the powers of its members, the oath and its internal police shall be carried out according to its rules.

Art. 22. At the meeting of the two chambers the President of the Senate shall preside; the Deputies and Senators shall take their places indiscriminately.

Art. 23. No session can be held in either of the chambers unless there be present one more than half the respective members.

Art. 24. The sessions of both chambers will be public, except in cases in which the welfare of the State requires them to be secret.

Art. 25. Questions shall be decided by the absolute majority of the votes of the members present.

Art. 26. The members of each of the chambers are inviolable for opinions expressed in the exercise of their functions.

Art. 27. No Senator or Deputy during the term of his office may be arrested by any authority save by order of his respective chamber, except when taken in the act of a capital crime.

Art. 28. If sentence be pronounced upon any Senator or Deputy, the judge, suspending all the subsequent procedure, shall report to his respective chamber, which shall decide whether the trial ought to continue and the member be or not be suspended from the exercise of his functions.

Art. 29. Senators or Deputies may be appointed Ministers of Counselors of State, with the difference that the Senators shall continue to hold their seats in the Senate, while the Deputy will vacate his place in the chamber and a new election shall be held, in which he may be re-elected and combine the two functions.

Art. 30. They may also combine the two functions when either of the positions mentioned is held at the time they are elected.

Art. 31. No one can be a member of both chambers at the same time.

Art. 32. The exercise of any other office with the exception of that of Counselor of State and Minister of State ceases, temporarily so long as the functions of Deputy or Senator last.

Art. 33. In the interval between the session (of the Assembly) the Emperor shall not employ a Senator or Deputy outside of the Empire, nor shall they go to the discharge of any official duties which may prevent their meeting at the time of the convocation of the General Assembly, whether ordinary or extraordinary.

Art. 34. If by some unforeseen event upon which public security or the good of the State depends, it should become necessary that a Senator or Deputy should go upon another commission the respective chamber may decide the question.

*Of the Chamber of Deputies.*

Chapter II.

Article 35. The Chamber of Deputies is elective and temporary.

Art. 36. Initiative action relating to the following measures belongs to the Chamber of Deputies:

I. Imposts.

II. Recruiting.

III. The choice of a new dynasty in case of the extinction of that now ruling.

Art. 37. There shall also begin in the Chamber of Deputies:

I. The examination of the past administration and the reform of abuses introduced therein.

II. The discussion of the proposition made by the executive power.

Art. 38. It is an initiative attribute of the same chamber to bring accusation against Ministers and Counselors of State.

Art. 39. The Deputies shall receive during the sessions a salary fixed at the end of the last preceding session of the Legislature. Besides this they shall be reimbursed for the expenses of their journeys both ways.

*Of the Senate.*

Chapter III.

Article 40. The Senate is composed of life members, and shall be made up (organizado) by provincial elections.

Art. 41. Each province shall furnish half as many Senators as it has Deputies; with the difference that when the number of Deputies of the province is odd, the number of Senators shall be half of the next smaller number, so that the provinces having to furnish eleven Deputies will furnish five Senators.

Art. 42. The province that may have but one Deputy shall however, elect its Senator, notwithstanding the rule above established.

Art. 43. The elections shall be held in the same manner as those for Deputies, but in triple lists from which the Emperor shall choose the third of the whole of the list.

Art. 44. The places of Senators that may become vacant shall be filled by the respective provinces, in the same way as in the first election.

Art. 45. In order that one may be a Senator it is requisite:

I. That he be a Brazilian citizen, and in the enjoyment of his political rights.

II. That he be at least forty years of age.

III. That he be a person of knowledge, capacity and virtues, with a preference for those who have served the country.

IV. That he shall have an annual income of eight hundred milreis from property, industry, commerce or employment.

Art. 46. The Princess of the Imperial House are Senators by right, and shall have seats in the Senate as soon as they are twenty-five years of age.

Art. 47. The exclusive functions of the Senate are:

I. To take cognizance of individual offenses committed by the members of the Imperial family, Ministers of State, Counselors of State and Senators; and of offenses of Deputies during the sessions of the Legislature.

II. To take cognizance of the responsibility of the Secretaries and Counselors of State.

III. To dispatch letters calling together the assembly, in case the Emperor shall not have done so two months after the time set by the Constitution, that the Senate may meet in extraordinary session.

IV. To convoke the Assembly on the death of the Emperor for the election of the Regency, in the cases in which election is required and where the provisional Regency does not do so.

Art. 48. In the judgment of crimes in which the accusation is not the duty of the Chamber of Deputies, the Attorney of the Crown and National Sovereignty shall bring complaint.

Art. 49. The sessions of the Senate begin and end at the same time as those of the Chamber of Deputies.

Art. 50. With the exception of the cases ordained by the Constitution the meeting of the Senate at any other time than during the sessions of the Chamber of Deputies is illegal and null.

Art. 51. The salaries of the Senators shall be one and a half times as much as those of the Deputies.

*Of the Proposition, Discussion, Sanction and Promulgation  
of Laws.*

Chapter IV.

Art. 52. The proposal, opposition and adoption of bills belong to each of the Chambers.

Art. 53. The executive power, through its Ministers of State, makes its proposals for the enactment of laws; and only after a proposal is examined by a committee of the Chamber of Deputies, where it ought to have its beginning, can it become a bill.

Art. 54. After the report of the committee the Ministers may be present and discuss the proposition, but they shall not vote or be present at the voting unless they be Senators or Deputies.

Art. 55. If the Chamber of Deputies adopts the bill, it will send it to the Senate with the following formula: "The Chamber of Deputies sends to the Senate the accompanying proposal of the executive power, (with or without amendments) and thinks that it should pass."

Art. 56. If it cannot adopt the proposal it shall notify the Emperor through a deputation of seven members in the following manner:

"The Chamber of Deputies testifies to the Emperor its gratitude for the zeal with which he watches over the interests of the Empire, and respectfully begs that he may deign to take into future consideration the proposition of the government."

Art. 57. In general the proposition which the Chamber of Deputies admits and approves shall be sent to the Senate with the following formula: "The Chamber of Deputies sends to the Senate the accompanying proposal and thinks that it is proper to ask the sanction of the Emperor for it."

Art. 58. If, however, the Senate does not adopt entirely the bill of the Chamber of Deputies, but if it alter or add to the bill, it shall return it in the following manner: "The Senate sends to the Chamber of Deputies its proposal (so and so) with the accompanying amendments or additions and thinks that with them the sanction of the Emperor should be asked for it."

Art. 59. If the Senate, after deliberation, decides that it cannot pass the proposal or bill, it shall say so in the following terms: "The Senate returns to the Chamber of Deputies the proposal (so and so) to which it has not been able to give its consent."

Art. 60. The same custom will be followed by the Chamber of Deputies toward the Senate when the bill originates with the latter.

Art. 61. If the Chamber of Deputies does not approve the amendments or additions of the Senate, or vice versa, and if, nevertheless, the chamber objecting, judges that the bill is advantageous, it may, by means of a deputation of three members, ask for a joint session of the two chambers, which shall take place in the Senate chamber, and the result of the discussion shall decide the question.

Art. 62. If, on the conclusion of the discussion either of the two chambers fully adopts the bill sent by the other chamber, it shall reduce it to a decree, and after it is read in session, shall direct it to the Emperor in duplicate copies signed by the President and the two chief Secretaries, asking his sanction in the following form:

“The General Assembly addresses to the Emperor the inclosed “decree which it judges to be advantageous and useful to the “Empire, and asks His Imperial Majesty to deign to give it his “sanction.”

Art. 63. This remittance shall be made by a deputation of seven members sent by the chamber lately deliberating which shall, at the same time, inform the other chamber, in which the bill originated, that it has adopted its (the latter's) proposal relative to such an object, and that it has addressed it to the Emperor asking his sanction.

Art. 64. The Emperor refusing to give his consent shall reply in the following terms:

“The Emperor wishes to take the bill into consideration in “order to decide at his leisure.” To which the chamber shall respond that: “The interest he takes in the nation honors His “Imperial Majesty.”

Art. 65. This refusal has only a suspensive effect, so that when the two Legislatures following that which may have approved the bill, return successively to present it in the same terms, it shall be understood that the Emperor has given it his approval.

Art. 66. The Emperor shall give or refuse his sanction to each decree within a month from the time it is presented.

Art. 67. If he does not give it within the term specified, it shall have the same effect as if he had expressly refused his

sanction, in order that the Legislatures may be counted, in which it will be possible to refuse his consent, or in order that it may be ranked as an obligatory decree on account of his having already refused his approval in the two previous Legislatures.

Art. 68. If the Emperor adopts the bill of the General Assembly he shall express himself thus:

"The Emperor consents." By this the bill is sanctioned, and is ready to be promulgated as a law of the Empire; and one of the copies, after it is signed by the Emperor, shall be returned to the archives of the chamber that sent it, and the other shall serve for making the promulgation of the law by the respective department of State, where it shall be preserved.

Art. 69. The formula in which the law shall be promulgated will be conceived in the following terms: "We, Dom (N.) by the "Grace of God and the unanimous acclamation of the people, "Constitutional Emperor and Perpetual Defender of Brazil, make "known to all our subjects that the General Assembly has "decreed and that we will the following law (here follows the "whole text of the law in its provisions only): We therefore "direct all authorities to whom the cognizance and execution of "the said law belongs, that they comply with it and have it "complied with and guard it as fully as in them lies." The Secretary of (the proper department) will have it printed, published, and circulated.

Art. 70. When the law is signed by the Emperor, referred to the proper Secretary of State, and sealed with the seal of the Empire, the original shall be preserved in the public archives and printed copies of it shall be sent to all the chambers of the Empire, tribunals, and other places where it should be made public.

*Of the Councils-General of a Province and of their Functions.*

Chapter V.

Article 71. The Constitution recognizes and guarantees the right of every citizen to take part in the affairs of his province, and in those that relate immediately to his private interests.

Art. 72. This right shall be exercised by the chambers of the districts and by the Councils, which, under the title of Council-General of the province of . . . . ., shall be established in each province, except in that in which the capital of the Empire is located. (By the additional act of August 12, 1834,

the Councils-General were changed to Provincial Legislative Assemblies. See Art. of additional act.)

Art. 73. Each one of the Councils-General shall consist of twenty-one members in the more populous provinces, as Para, Maranhao, Ceara, Pernambuco, Bahai, Minas Geraes, S. Paulo, and Rio Grande do Sul; and in the others of thirteen members.

Art. 74. Its (the province's) election shall take place at the same time and in the same manner as that for the national representatives, and for the term of each Legislature.

Art. 75. Twenty-five years of age, probity, and a decent subsistence are the qualities necessary for a member of these councils.

Art. 76. Its meeting shall be held in the capital of the province; and at the first preliminary session they shall nominate a President, Vice-President, Secretary, and assistant, who shall serve all the time of the session, and shall examine and verify the legality of the election of the members.

Art. 77. Every year there shall be a session which shall last two months, and may be prorogued for one month longer if the majority of the council agree to it.

Art. 78. In order to hold a session there must be present more than half of the number of the members.

Art. 79. Neither the President of the provinces, the Secretary, nor the commandant can be elected members of the Council-General.

Art. 80. The President of the province shall be present at the opening of the Council-General, which shall take place on the first day of December, and shall have a seat equal to that of the President of the council, and at his right; and there the President of the province shall address his message to the council, instructing it concerning the state of public affairs and of the provisions which the province most needs for its improvement.

Art. 81. These councils shall have for their chief object to propose, discuss, and deliberate concerning affairs of prime interest to their provinces; forming ordinances especially (projectos pecutiareo), adapted to their localities and their needs.

Art. 82. Affairs which should begin in the chambers shall be sent officially to the Secretary of the council, where they, as well as those originating in the councils themselves, shall be dis-

cussed with open doors. Their decisions will be determined by an absolute majority of the votes of the members present.

Art. 83. There cannot be either proposed or discussed in these councils bills relating to:

I. The general interests of the nation.

II. Any adjustments between other provinces.

III. Imposts of which the initiative belongs to the Chamber of Deputies. (Art. 36.)

IV. The execution of laws; upon this subject, however, they may address representations to the General Assembly, and to the executive power, conjointly.

Art. 84. The resolutions of the Councils-General of a province shall be sent directly to the executive power, through the President of the province.

Art. 85. If the General Assembly is at this time in session, they shall be immediately sent in by the respective Secretary of State, to be proposed as bills and to obtain the approval of the assembly by a single discussion in each chamber.

Art. 86. If the General Assembly is not in session at this time, the Emperor shall order them provisionally executed if he judges them worthy of prompt action on account of the utility their observance will bring to the general welfare of the province.

Art. 87. If, however, these circumstances do not exist, the Emperor shall declare that "He suspends judgment respecting that affair." To which the counsel shall reply that "It has received very respectfully the reply of His Imperial Majesty."

Art. 88. As soon as the General Assembly meets these suspended resolutions as well as those that may have been in force shall be sent to it to be discussed and deliberated upon according to article 85.

Art. 89. The manner of conducting the Councils-General of a province in its work and its internal and external police, shall all be regulated by rules give by the General Assembly.

#### *Of Elections.*

#### Chapter VI.

Article 90. The nominations of the Deputies and Senators for the General Assembly and of the members of the Councils-General of the provinces, shall be made by indirect elections, the mass of active citizens electing in parochial assemblies the provincial electors and these electing the national and provincial representatives,

Art. 91. The following persons have votes in these primary elections:

- I. Brazilian citizens in the enjoyment of their political rights.
- II. Naturalized foreigners.

Art. 92. The following persons are excluded from voting in the parochial assemblies:

I. Those under 25 years of age, among whom are not included married men and military officers more than 21 years of age, college graduates (bachareis formados) and clergymen in sacred orders.

II. Unemancipated sons (filhos-familias) living with their parents, except when they hold public offices.

III. Hired servants, in which class are not included book-keepers, head clerks of commercial houses, servants of the Imperial House who do not wear the galao branco, and the administrators of the rural estates and factories.

IV. Monks and persons who live in cloistered communities.

V. Those who do not have a net annual income of one hundred milreis from real estate, industry, commerce, employment.

Art. 93. Those who cannot vote in the primary parochial elections cannot be members or vote on the nomination of any elective authority, whether national or local.

Art. 94. All those who can vote in the parochial assembly may be electors and vote in the election of Deputies, Senators and members of the councils of the province, excepting:

I. Those who do not have a net income of 200 milreis from real estate, industry, commerce or employment.

II. Freed slaves.

III. Criminals accused in court or in process of trial.

Art. 95. All those who may be electors are qualified to be nominated as Deputies, excepting:

I. Those who have not a net income of 400 milreis as specified in articles 92 and 94.

II. Naturalized foreigners.

III. Those who do not profess the State religion.

Art. 96. Brazilian citizens wherever they may be, are eligible in each electoral district as Deputies or Senators, even though they may not have been born there and may not live there, either temporarily or permanently.

Art. 97. A regulating law shall fix the practical method of elections and the number of Deputies with relation to the population of the Empire.

#### TITLE V.

##### *Of the Empire.*

##### Chapter I.—Of the Moderating Power.

Art. 98. The moderating power is the key to the whole political organization and is delegated exclusively to the Emperor as supreme chief of the nation and its first representative, that he may incessantly watch over the maintenance of independence, the equilibrium and harmony of the other political powers.

Art. 99. The person of the Emperor is inviolable and sacred; he is not subject to any responsibility whatever.

Art. 100. His titles are—Constitutional Emperor and Perpetual Defender of Brazil—and he has the style of address (*tratamento*) of Imperial Majesty.

Art. 101. The Emperor exercises the moderating power as follows:

I. In nominating Senators according to article 43.

II. In convoking the extraordinary General Assembly in the intervals of the sessions when the good of the Empire makes it necessary.

III. In sanctioning the decrees and resolutions of the General Assembly and giving them the force of laws. (Art. 62.)

IV. In approving and temporarily suspending the resolutions of the provincial councils. (Articles 86 and 87.)

V. In proroguing or adjourning the General Assembly and dissolving the Chamber of Deputies in cases in which the salvation of the State demands it; convoking immediately another to take its place.

VI. In nominating and freely discharging the Ministers of State.

VII. In suspending the Magistrates according to article 154.

VIII. In pardoning and moderating the verdicts imposed upon condemned criminals.

IX. In urgent cases in conceding such grace and pardon (*amnestia*), as may be suggested by humanity and the welfare of the State.

## Chapter II.—Of the Executive Power.

Art. 102. The Emperor is the chief of the executive power, and exercises it through his Ministers of State.

His principal duties are:

I. To convoke the regular new General Assembly on the third day of June of the third year from the existing Legislature.

II. To appoint bishops, and to dispose of the ecclesiastical benefices.

III. To appoint Magistrates.

IV. To dispose of the other civil and political positions.

V. To appoint the commandants of the land and naval forces and to remove them when the service of the nation makes it necessary.

VI. To appoint ambassadors and other diplomatic and commercial agents.

VII. To direct political negotiations with foreign nations.

VIII. To make treaties of alliance offensive and defensive, of subsidy and commerce, and to bring them, when concluded, to the knowledge of the General Assembly when the interest and security of the State permits it. If the treaties made in time of peace involve the cession or exchange of territory of the Empire or of possessions to which the empire has a right, they shall not be ratified without having been approved by the General Assembly.

IX. To declare war and to make peace, notifying the assembly of the communications that may be compatible with the interests and security of the State.

X. To grant letters of naturalization according to the law.

XI. To bestow titles, honors, military orders, and distinctions in recompense for services rendered the State, pecuniary rewards depending upon the approval of the Assembly when not already designated and fixed by law.

XII. To dispatch the decrees, instructions, and regulations required by the good execution of the laws.

XIII. To decree the application of the funds appropriated by the General Assembly for the various branches of public service.

XIV. To grant or refuse his approval to the council decrees, apostolic letters, and any other ecclesiastical Constitutions that are not opposed to the Constitution; the approval of the assembly is prerequisite, however, if they contain general regulations.

XV. To look after everything that may be for the internal and external security of the State according to the Constitution.

Art. 103. Before being acclaimed, the Emperor will take of the President of the Senate in the presence of the two chambers the following oath:

"I swear to maintain the Apostolic Roman Catholic religion, "the integrity and individuality of the Empire, to observe and "have observed the political Constitution of the Brazilian nation "and the other laws of the Empire and to look after the general "welfare of Brazil in so far as it in me lies."

Art. 104. The Emperor cannot go out of the Empire of Brazil without the consent of the General Assembly; and if he does so, it will be understood that he has abdicated the Crown.

### Chapter III.—Of the Imperial Family and its Dowry.

Article 105. The presumptive heir of the Empire shall have the title of "Prince Imperial," and his first born son that of "Prince of Grao-Para;" all the others shall have that of Prince. The style of address (*tratamento*) of the heir presumptive shall be "Imperial Highness," and that of the Prince of Grao-Para shall be the same; the other Princes shall be addressed as "Highness."

Art. 106. The heir presumptive on completing fourteen years of age, shall take the following oath at the hands of the President of the Senate, in the presence of the united chambers:

"I swear to maintain the Apostolic Roman Catholic religion, "to observe the political Constitution of the Brazilian nation, "and to be obedient to the laws of the Emperor."

Art. 107. As soon as the Emperor comes to the throne, the General Assembly shall assign him and the Empress, his august spouse, a dowry corresponding to the decorum of their lofty dignity.

Art. 108. The dowry assigned the present Emperor and his august spouse shall be increased in view of the fact that present circumstances do not permit that a sum be fixed at once that is adequate to the decorum of their august persons and the dignity of the nation.

Art. 109. The General Assembly shall also make provisions for the Prince Imperial and the other princes as soon as they may be born. The allowances given the princes shall cease only when they go out of the Empire.

Art. 110. The tutors of the Princes shall be chosen and appointed by the Emperor and the assembly, shall fix their salaries which shall be paid by the national treasury.

Art. 111. At the first session of each Legislature the Chamber of Deputies shall require of the tutors an account of the State of advancement of their august pupils.

Art. 112. When the Princesses are about to marry the assembly shall assign a dowry and with its payment the allowances shall cease.

Art. 113. To the Princes who may marry and go to live outside of the Empire there will be delivered at one time a sum fixed by the assembly, and with this their allowances shall cease.

Art. 114. The endowments, allowances, and portions above mentioned shall be paid by the public treasury, and delivered to a majordomo appointed by the Emperor, with whom the interests of the Imperial House, both active and passive, may be arranged.

Art. 115. The palaces and national lands now belonging to Sr. D. Pedro I, shall always belong to his successors; and the nation will care for the acquisitions and constructions that may be thought appropriate for the dignity and recreation of the Emperor and his family.

#### Chapter IV.—Of the Succession of the Empire.

Article 116. Sr. D. Pedro I, by unanimous acclamation of the people, actual Constitutional Emperor and Perpetual Defender, shall always rule in Brazil.

Art. 117. His legitimate offspring shall succeed to the throne according to the regular order of primogeniture and representation, preferring always the anterior line to the posterior lines; in the same line the nearer degree to the more remote ones; in the same degree the male sex to the female; in the same sex the older to the younger person.

Art. 118. The lines of the legitimate descendants of Sr. D. Pedro I, being extinct, during the life of the last descendant and in his reign, the General Assembly shall choose a new dynasty.

Art. 119. No foreigner can succeed to the Crown of the Empire of Brazil.

Art. 120. The marriage of the Princess presumptive heir to the Crown, will be made at the pleasure of the Emperor; if there is no Emperor at the time this marriage is proposed it cannot

be effected without the approval of the General Assembly. Her husband will have no part in the Government, and will only be called Emperor after he has by the Empress, a son or daughter.

Chapter V.—Of the Regency During the Minority or Impediment of the Emperor.

Article 121. The Emperor is a minor until he is eighteen years of age.

Art. 122. During his minority the Empire shall be governed by a regency, which shall belong to the relative nearest the Emperor, according to the order of succession, and who is more than twenty-one years of age.

Art. 123. If the Emperor has no relative who combines these qualities, the Empire shall be governed by a permanent regency appointed by the General Assembly and composed of three members, the oldest of whom shall be its president.

Art. 124. During the time in which the regency is not elected the Empire shall be governed by a provisional regency composed of the minister of Empire, the minister of justice, and of the two counselors of State longest in office, presided over by the Empress dowager, and in her absence by the oldest counselor of State.

Art. 125. In case of the death of the ruling Empress this regency shall be presided over by her husband.

Art. 126. If the Emperor, from physical or moral cause, evidently recognized by the plurality of each of the chambers of the Assembly, should become unfit to govern, the Imperial Prince, if he be more than eighteen years of age, shall govern in his stead as regent.

Art. 127. The regent, and the regency as well, shall take the oath mentioned in article 103, adding the clause of fidelity to the Emperor and to deliver to him the government as soon as he reaches his majority or his impediment is removed.

Art. 128. The acts of the regency and of the regent shall be dispatched in the name of the Emperor by the following formula:

"The regency commands in the name of the Emperor;" "The Imperial Prince regent commands in the name of the Emperor."

Art. 129. Neither the regency nor the regent shall be responsible.

Art. 130. During the minority of the successor to the crown his tutor shall be the one whom his father shall have appointed

in his will; in default of this one, the Empress mother shall act so long as she remains unmarried; in her default the General Assembly shall appoint a tutor, although no one to whom the succession of the crown would fall in case of his death can ever be tutor to the minor Emperor.

Chapter VI.—Of the Ministry.

Article 131. There shall be different departments (secretaries) of State. The law shall designate their number and the business pertaining to each; shall call them together or dismiss them as may seem best.

Art. 132. The Ministers of State shall countersign or sign all the acts of the executive power, without which they cannot become effective.

Art. 133. The Ministers of State shall be responsible:

I. For treason.

II. For bribery, corruption or extortion.

III. For abuse of power.

IV. For failure to obey the law.

V. For working against the liberty, security or property of citizens.

VI. For any dissipation of the public property.

Art. 134. A particular law shall specify the nature of these offenses and the manner of proceeding against them.

Art. 135. The order of the Emperor, whether verbal or written, does not relieve the Ministers from responsibility.

Art. 136. Foreigners, even though naturalized, cannot be Ministers of State.

Chapter VII.—Of the Council of State.

Article 137. There shall be a council of State composed of life counselors appointed by the Emperor.

Art. 138. Their number shall not exceed ten.

Art. 139. The Ministers of State are not included in this number, nor shall they be considered Counselors without the special appointment by the Emperor to this position.

Art. 140. The same qualities are required to be a Counselor of State as to be Senator.

Art. 141. Before assuming office the Counselors of State shall take of the Emperor the oath to maintain the Apostolic Roman

Catholic religion, to observe the Constitution and the laws, to be faithful to the Emperor, and to advise him conscientiously, looking solely to the good of the Nation.

Art. 142. The Counselors shall be heard in all grave affairs and general measures of public administration; principally in regard to the declaration of war, the adjustments of peace, negotiations with foreign Nations, as well as on all occasions in which the Emperor proposes to exercise any of the attributes belonging to the moderating power indicated in article 101, except VI.

Art. 143. The Counselors of State are responsible for manifestly misleading advice given in conflict with the laws and the interest of the State.

Art. 144. The Prince Imperial, as soon as he is eighteen years of age, shall of a right belong to the Council of State; the other Princes of the imperial house, for their entrance into the Council, depend upon the appointment of the Emperor. They and the Prince Imperial cannot enter to the number marked by article 138.

#### Chapter VIII.—On the Military Force.

Article 145. All Brazilians are under obligations to take up arms to maintain the independence and integrity of the Empire and to defend it against its enemies external or internal.

Art. 146. So long as the General Assembly does not fix the permanent land and naval military force, it will remain at what it may be until changed by the same Assembly to more or to less.

Art. 147. The military force is essentially obedient; it can never come together unless so ordered by the legitimate authority.

Art. 148. To the executive power belongs exclusively the employment of an armed land or sea force, as may seem proper for the security and defense of the Empire.

Art. 149. The officers of the army and navy cannot be deprived of their commissions except by sentence passed in a competent court.

Art. 150. A special ordinance shall regulate the organization of the army of Brazil, its promotions, salaries and discipline, and also those of the naval force.

## TITLE VI.

*Of the Judicial Power.*

## Chapter I.—Of the Judges and Tribunals of Justice.

Article 151. The judicial power is independent, and shall be composed of judges and jurymen, who shall hold office in both civil and criminal cases and in the manner that the Codes determine.

Art. 152. The jurymen decide upon the fact and the judges apply the law.

Art. 153. The judges of the law (*juizes de direito*) are perpetual, by which it is not understood, however, that they cannot be changed from place to place at the time and in the manner that the law may determine.

Art. 154. On account of complaints made against them, the Emperor, after hearing the counsel of the State, may suspend them, prior to a hearing of the same judges, and necessary information. The papers concerning them shall be sent to the tribunal of the respective district to proceed according to the law.

Art. 155. These judges can lose their places only by sentence.

Art. 156. All judges of law and officials of justice are responsible for abuses of power and prevarications which they may commit in the exercise of their duties; this responsibility shall be made effective by a regulating law.

Art. 157. For corruption, bribery, peculation and extortion suit may be brought against them inside of a year and a day either by the plaintiff himself or by any one of the people in the manner established by law.

Art. 158. To judge the cases in the second and last instance there shall be in the Provinces of the Empire the tribunals necessary for the accommodation of the people.

Art. 159. In criminal cases the examination of witnesses and all the other steps of the trial after the suit is brought shall be public.

Art. 160. In civil suits and in penal causes brought civilly the parties may appoint arbitrating judges. Their decisions shall be executed without appeal if the same parties so agree.

Art. 161. No suit whatever shall be begun without its being shown that means of reconciliation have been attempted.

Art. 162. To this end there shall be judges of the peace who shall be elected at the same time and in the same manner as the aldermen (vereadores) of the chambers. Their duties and districts will be regulated by law.

Art. 163. Besides the tribunal which shall exist at the capital of the Empire and in the provinces as well, there shall be also a tribunal called the Supreme Court of Justice, composed of learned judges, taken from the lower courts (relacoes) according to their ages, and they shall have bestowed upon them the title of Counsel. At the first organization there may be employed in this court the ministers of those that are to be abolished.

Art. 164. It is the duty of this court:

I. To allow or deny revisions in the cases and in the manner fixed by law.

II. To take cognizance of the offenses and official errors committed by ministers, officers of the tribunals, attaches of the diplomatic corps and the Presidents of the Provinces.

III. To consider and decide in cases of conflict of jurisdiction and competency of the provincial courts.

## TITLE VII.

### *Of the Administration and Economy of the Provinces.*

#### Chapter I.—Of the Administration.

Article 165. There shall be in each Province a President, appointed by the Emperor who may remove him whenever he thinks it for the good service of the State.

Art. 166. The law shall designate his attributes, fitness and authority, and whatever is fitted for the best discharge of this administration.

#### Chapter II.—Of the Chambers.

Article 167. In all the cities and towns now existing, and in those that may be created hereafter, there shall be chambers for the economic and municipal government of the cities and towns.

Art. 168. The chambers shall be elective and composed of the number of aldermen that the law may specify, and the one who receives the largest number of votes shall be President.

Art. 169. The exercise of their municipal functions, the formation of their police orders, the application of their revenues, and all their particular and useful functions shall be fixed by law.

## Chapter III.—Of the National Finances.

Article 170. The receipt and expenditure of the national finances (fazenda) shall be intrusted to a tribunal under the name of the National Treasury, where, in divers departments (estacoes) duly established by law, its administration, collection and accounts shall be regulated, in reciprocal correspondence with the treasuries and authorities of the Provinces of the Empire.

Art. 171. All the direct taxes, except those to be applied to the interest and the amortisation of the public debt, shall be fixed annually by the General Assembly; but they shall continue until their repeal is published or until they are replaced by others.

Art. 172. The Minister of the Treasury having received from the other Ministers the estimates of the expenses for their departments, shall present annually to the Chamber of Deputies as soon as it meets a general balance of the receipts and expenses of the national treasury during the preceding year, and at the same time the general estimate of all the public expenses for the future year and the amount of all the sources of revenue and public incomes.

## TITLE VIII.

*Of the General Dispositions and Guarantees of the Civil and Political Rights of Brazilian Citizens.*

Article 173. The General Assembly, at the beginning of its sessions, shall ascertain whether the political Constitution of the State has been exactly observed in order to make just provisions.

Art. 174. If, four years after the ratification of the Constitution of Brazil, it is found that any of its articles merit reform, the proposition shall be made in writing, which (proposition) must originate in the Chamber of Deputies, and be supported by a third of the members.

Art. 175. The proposition shall be read three times at intervals of six days between the readings, and after the third reading the Chamber of Deputies shall decide whether it can be admitted to discussion; everything else can follow that is necessary to the formation of a law.

Art. 176. The discussion being admitted and the necessity of amendment of the article of the Constitution being recognized, a law shall be passed, sanctioned and promulgated by the

Emperor in the usual way in which the electors of Deputies for the subsequent Legislature shall be directed to confer in their procurations (procuraeoes) a special authorization for the desired amendment or reform.

Art. 177. At the first session of the next Legislature the matter shall be brought forward and discussed, and that which is decided upon shall determine the change of or addition to the original law; and when added to the Constitution it shall be solemnly promulgated.

Art. 178. Only those things pertain to the Constitution that refer to the limits and respective attributes of the political powers and to the political and individual rights of the citizens; that which is not constitutional can be changed by the ordinary Legislatures without the foregoing formalities.

Art. 179. The inviolability of the civil and political rights of Brazilian citizens based upon liberty, individual security and propriety, is guaranteed by the Constitution of the Empire in the following manner:

I. No citizen can be obliged to do or not to do anything except by virtue of the law.

II. No law shall be made without public utility.

III. It (the law) cannot be retroactive in its application.

IV. All persons may communicate their thoughts by words and writings and may publish them in the press without censure, but they shall be held responsible for abuses committed in the exercise of this right in the cases and in the manner that the law may determine.

V. No one can be persecuted on account of his religion so long as he respects that of the State and does not offend public morals.

VI. Any person can remain in or go out of the Empire at pleasure, taking with him his property, so long as the police regulations are complied with and there is no injury done other parties.

VII. Every citizen has in his house an inviolable asylum. At night it cannot be entered without his consent or to protect it from fire or flood; during the day its entrance can only be made freely in the cases and in the manner determined by law.

VIII. No one can be made a prisoner without specific charges, except in the cases specified by law; and in these cases, inside of twenty-four hours from the time he enters the prison, if in

cities, towns, or other settlements near the places of residence of the judge, and in distant places inside of a reasonable time that the law shall mark according to the extent of the territory, the judge, by a note signed by him, shall make known to the defendant the reason for his imprisonment, the names of his accuser, and of the witnesses if there are such.

IX. Even with the charge formulated no one shall be taken to prison or retained therein after arrest, if, in cases admitted by law, he offers suitable bail; and in general, in cases of crimes whose punishment does not exceed six months' imprisonment or banishment from the district, the defendant may be left at large.

X. Except when taken in the act of committing a crime, a person cannot be made prisoner without an order written by the proper authority. If this is given arbitrarily the judge who issues it shall be punished as the law may direct.

The regulation concerning arrest prior to a formulated charge does not include either military ordinances established as necessary for the discipline and recruit of the army, nor cases that are not purely criminal, but in which the law directs the arrest of a person for disobeying the commands of justice, or for not complying with some obligation within a specified time.

XI. No person shall be condemned except by competent authority and by virtue of an anterior law and in the manner prescribed by it.

XII. The independence of the judicial power shall be maintained. No authority can appeal pending cases, stop them, or revive trials that are ended.

XIII. The law shall be the same for all whether to protect or to punish, and it shall reward each one according to his merits.

XIV. Every citizen may be admitted to public positions whether civil, political or military without other distinction than (that made by) his talents and virtues.

XV. No one shall be exempt from contributing to the expenses of the State in proportion to his property.

XVI. All privileges that are not essential to and entirely connected with offices for public utility are abolished.

XVII. With the exception of the cases which by nature belong to special judges under the law, there shall be no privileged tribunal or special commissions in civil or criminal cases.

XVIII. There shall be drawn up as soon as possible civil and criminal codes founded on the solid bases of justice and equity.

XIX. Flogging, torture, marking with a hot iron and all other cruel punishments are abolished summarily.

XX. No punishment shall go beyond the guilty person. In no case, therefore, shall there be confiscation of property, nor shall the infamy of the defendant be transmitted to his relatives of any degree whatever.

XXI. The jails shall be secure, clean and well aired, with different buildings (casas) for the separation of prisoners according to their circumstances and the nature of their crimes.

XXII. The right of proprietorship is guaranteed in all its fullness. If the public good, legally verified, require the use and employment of the property of a citizen he shall be previously reimbursed for its value. The law shall specify the cases in which this only exception will hold, and shall give rules for its determination and indemnity.

XXIII. The public debt is also guaranteed.

XXIV. No kind of labor, culture, industry or commerce can be prohibited, so long as it is not opposed to public customs, and the security and health of the citizens.

XXV. Trades unions (as corporacoes de officios), their judges, scribes and masters are abolished.

XXVI. Inventors shall be the owners of their discoveries or their productions. The law shall secure them an exclusive temporary right, or shall make amends to them for the loss they may suffer from its general use.

XXVII. The privacy of letters is inviolable. The post-office department shall be held rigorously responsible for any infraction of this article.

XXVIII. Rewards conferred for services done the State, whether civil or military, are guaranteed; likewise the right acquired to them in the form of the law.

XXIX. Public employes are strictly responsible for abuses and omissions committed in the performance of their duties, and for not making their subordinates responsible.

XXX. Any citizen may present in writing to the legislative and the executive power reclamations, complaints or petitions, and he may even expose any infraction of the Constitution, demanding of the competent authority that those violating it be held to account.

XXXI. The Constitution also guarantees the public charities.

XXXII. Primary instruction is free to all citizens.

XXXIII. (There shall be) schools and colleges where shall be taught the elements of science, belles-lettres and of arts.

XXXIV. The constitutional powers cannot suspend the Constitution in respect to what it says of individual rights, except in the cases and under the circumstances specified in the following paragraph.

XXXV. In cases of rebellion or the invasion of the enemy, when seeking the security of the State, some of the formalities that guarantee individual liberty may be dispensed with for a specified length of time by a special act of the legislative power. But if the Assembly be not in session at this time and if the country is in imminent danger, the government shall exercise this authority as a provisional and indispensable measure, suspending it as soon as the urgent necessity that required it shall cease; there must, in either case, be sent to the Assembly as soon as it meets, a report giving the reasons for the arrests and the other preventive measures taken; but whatever authorities may have been active in the matter shall be held responsible for abuses that they may have practiced in this respect.

#### ADDITIONAL ACT.

The permanent Regency, in the name of the Emperor Sr. D. Pedro II, makes known to all the subjects of the Empire that the Chamber of Deputies, duly authorized to reform the Constitution of the Empire, under the law of October 12, 1832, has decreed the following changes and additions to the same Constitution.

*Law of August 12, 1834.*

Article 1. The right recognized and guaranteed by article 71 of the Constitution shall be exercised by the chambers of the districts and by the Assemblies which shall be established in place of the Councils-General in all the Provinces under the title of Provincial Legislative Assemblies.

The authority of the Legislative Assembly of the Province in which the capital is located shall not include the capital nor its municipality.

Art. 2. Each of the provincial legislative Assemblies shall consist of thirty-six members in the Provinces of Pernambuco,

Bahia, Rio de Janeiro, Minas and S. Paulo; of twenty-eight in those of Para, Maranhao, Ceara, Parahyba, Alagoas and Rio Grade do Sul; and of twenty in all the others. This number is subject to alteration by general law.

Art. 3. The general legislative power may decide upon the organization of a second legislative Chamber for any Province at the request of its Assembly, this second Chamber having a greater duration than the first.

Art. 4. The election of these Assemblies shall be held in the same manner and by the same electors as that of the deputies to the general legislative Assembly; but each provincial legislative Assembly shall last only two years, the members of one being eligible for the succeeding ones.

Immediately after the publication of this amendment they shall proceed in each of the Provinces to the election of the members of their first provincial legislative Assemblies, which Assemblies shall enter at once upon the exercise of their duties, and shall last to the end of the year 1837.

Art. 5. The first meeting shall be held in the capitals of the Provinces, and subsequent ones in places that may be designated by provincial legislative acts; the place, however, of the first meeting of the legislative Assembly of the Province in which the capital (of the Empire) may be located shall be designated by the government.

Art. 6. The appointment of the respective Presidents, Vice-Presidents and Secretaries, the verification of the powers of their members, the oath and their police and internal economy shall be determined according to their rules, and provisionally according to the rules of the Councils-General of the Province.

Art. 7. Every year there shall be a session which shall last two months, with the power of being prorogued when the President of the Province may think it necessary.

Art. 8. The President of the Province shall be present at the opening of the provincial Assembly, which shall take place, with the exception of the first time, on the day that the Assembly itself shall set; he shall have a seat equal to that of its President and at his right and from there he shall address to the Assembly his message, instructing it concerning the condition of public affairs, and the measures that the province is in especial need of for its improvement.

Art. 9. It is the function of the provincial legislative Assemblies to propose, discuss and deliberate in conformity with articles 81, 83, 84, 85, 86, 87 and 88 of the Constitution.

Art. 10. It is the function of the same Assemblies to legislate:

I. Upon the civil, judicial and ecclesiastical division of their respective Provinces, and on the removal of its capital to a more convenient place.

II. Upon public instruction and the establishments necessary to encourage it, not including the medical schools, the law schools, academies actually in existence, or any other establishments for instruction that may hereafter be established by general law.

III. Upon cases and the method by which disappropriation may be made for municipal or provincial purposes.

IV. Upon municipal police and economy, in conformity with the propositions of the (municipal) Chambers.

V. Upon the fixing of the municipal and provincial expenses, and the imposts necessary for them, in so far as they do not interfere with the general imposts of the State. The Chambers shall propose means of meeting the expenses of their municipalities.

VI. Upon the division of the direct tax among the municipalities of the Province, and upon the fiscalization of the employment of the public provincial and municipal rents, and of the accounts of their receipt and disbursement.

The provincial expenses shall be based upon the estimate of the President of the Province, and the municipal expenses upon the estimate of the respective Chambers.

VII. Upon the creation, suppression and appointment of municipal and provincial offices and the fixing of their salaries.

The municipal and provincial offices are all those in the municipalities and provinces except those that pertain to the collection and dispensing of the general revenues, to the administration of war and the navy and of the general post-office; and except the offices of the President of the Province, the bishop, the superior commandant of the national guard, members of the Courts of Appeal and Superior Courts and the employes of the faculties of medical schools, law schools and academies according to paragraph 2 of this article.

VIII. Upon public works, roads and the internal navigation of the respective Province, that do not belong to the general administration of the State.

IX. Upon the construction of prisons, buildings for labor and correction and their regulation.

X. Upon public establishments of charity, convents and all political or religious associations.

XI. Upon the cases and the manner in which the Presidents of the Provinces may appoint, suspend and discharge the provincial employees.

Art. 11. It is also the duty of the provincial legislative Assemblies:

I. To formulate the rules for their own government upon the following bases: First. No bill or resolution can be discussed without its having been announced for the order of the day at least twenty-four hours before. Second. Each bill or resolution shall pass through at least three discussions. Third. The intervals between the discussions shall not be less than twenty-four hours.

II. Upon the information of the President of the Province to fix the respective police force.

III. To authorize the municipal Chambers and the provincial government to contract loans with which to meet their respective expenses.

IV. To regulate the administration of the provincial properties.

A general law shall indicate what are provincial properties.

V. To promote in conjunction with the General Assembly and the general government, the collection of statistical data concerning the province, the catechism and civilization of the Indians and the establishment of colonies.

VI. To decide, whenever suit may have been brought against the President of the province or the one who takes his place, whether the suit shall continue, and he be or not be suspended from the exercise of his functions, in cases in which, according to law, suspension may take place.

VII. To decree the suspension, and even the discharge, of a magistrate against whom there may be complaint for the abuse of his office (*queixa de responsabilidade*), he having been heard and allowed an opportunity for defense. Article 4 of the law of interpretation determines that the word magistrate here used

does not apply to the members of the Supreme Courts and tribunals.

VIII. To exercise, in conjunction with the general government, in the cases and in the manner prescribed in paragraph 35 of article 179 of the Constitution, the right which it concedes to the general government.

IX. To watch over the Constitution and the laws of the province and to protest to the General Assembly and to the general government against laws of other provinces that conflict with its rights.

Art. 12. The Provincial Assemblies shall not legislate upon import duties nor upon objects not included in the two preceding articles.

Art. 13. The laws and resolutions of the Provincial Legislative Assemblies relating to objects specified in articles 10 and 11 shall be sent directly to the President of the province, who is empowered to sanction them.

There are excepted the laws and resolutions relating to objects in article 10, paragraph 4, paragraphs 5 and 6, in the part relating to the municipal receipts and expenses, and paragraph 7 in the part relating to municipal employes, and in article 11, paragraphs 1, 6, 7 and 9, which shall be decreed by the same assemblies without their depending upon the sanction of the President.

Art. 14. If the President feels that he ought to sanction a law or resolution, he will do it in the following formula, signed with his hand: "I sanction, and it is published as law."

Art. 15. If the President, feeling that the law or resolution is not compatible with the interests of the province, thinks that he ought to refuse his sanction, he will do it thus: "Return to the Provincial Legislative Assembly," setting forth beneath his signature the reasons on which it (his veto) was founded. In this case the bill shall be submitted to a new discussion; and if it be adopted as it is, or be modified with a view to the objections of the President, by two-thirds of the votes of the members of the Assembly, it shall be sent back to the President of the province, who shall sanction it. If it be not adopted it cannot be proposed again in that same session.

Art. 16. When, however, the President refuses his sanction from understanding that the bill conflicts with the rights of some other province, as in the cases mentioned in paragraph 8 of

article 10, or with treaties made with foreign nations, and when the Provincial Assembly decides otherwise by a two-thirds vote, as in the preceding article, the bill, with the alleged objections of the President of the province, shall be brought to the knowledge of the general government and assembly for its final decision as to whether or not it shall be sanctioned. (See article 7 of the law of interpretation.)

Art. 17. If at this time the General Assembly be not in session, and if the government thinks that the bill ought to be sanctioned, it may direct that it be enforced provisionally until it be finally settled by the General Assembly.

Art. 18. When the law or resolution is sanctioned the President shall order it published as follows: "I, ———, President of the province of ———, make known to all its inhabitants that the Provincial Legislative Assembly has decreed, and that I have sanctioned the following law or resolution (here follows the text of the law in its disposition only); I, therefore, order all authorities whose duty it is to know and execute the said law or resolution that they comply with it and have it complied with so far as in them lies. The Secretary of this province will have it printed, published and circulated."

When the law or resolution is signed by the President of the province, and sealed with the seal of the Empire, the original shall be kept in the public archives, and copies of it shall be sent to all the chambers and tribunals and other places in the province when it may conveniently be made public.

Art. 19. The President shall give or refuse his sanction within ten days, and should he not give it (within that time) it will be understood that he has given it. In this case, and when, the law being returned to him, as specified in article 15, he refuses to sanction it, the Provincial Legislative Assembly shall order it published with this declaration, when the President of the same Assembly shall sign it.

Art. 20. The President of the province shall send to the General Assembly and to the general government authentic copies of all the legislative provincial acts that may have been promulgated, for the purpose of ascertaining whether they violate the Constitution, the general imposts, the rights of other provinces, or treaties — the only cases in which the general legislative power can revoke them.

Art. 21. The members of the Provincial Assemblies shall be inviolable for opinions expressed in the exercise of their functions.

Art. 22. The members of the Provincial Assemblies shall receive daily during the time of the ordinary, extraordinary and prorogued sessions, a salary, fixed by the Provincial Assembly at the first session of the preceding Legislature. They shall also have, when they live outside of the place of its meeting, an annual indemnity for the expenses of going and coming, fixed in the same way, and proportioned to the length of their journeys.

At the first Legislature, both the subsidy and the indemnity shall be determined by the President of the province.

Art. 23. The members of the Provincial Assemblies who may be public employes shall not exercise their offices or accumulate salaries during the sessions; they have, however, their choice between the salary of the employe and that which falls to them as members of the Assemblies.

Art. 24. Besides the functions which attach by law to the Presidents of the provinces, they have the power also:

I. To convoke the new Provincial Assembly so that it may meet in the term fixed for its sessions. Should not the President have convoked it six months before this term, the call shall be made by the municipal chamber of the capital of the province.

II. To convoke an extraordinary session of the new Provincial Assembly, to prorogue it, to adjourn it when the good of the province so requires, except, however, that in no year shall there fail to be a session.

III. To suspend the publication of the provincial laws in the cases and in the manner indicated in articles 15 and 16.

IV. To dispatch orders, instructions and regulations adequate to the proper execution of the provincial laws.

Art. 25. In case of doubt regarding the intelligibility of any article of this amendment, it is the duty of the general legislative power to interpret it.

Art. 26. Should the Emperor have no relative who combines the qualities required by article 122 of the Constitution, the Empire shall be governed, during his minority, by an elective and temporary regent, whose charge shall last four years, the election for this purpose being renewed every four years.

Art. 27. This election shall be held by the electors of the respective Legislatures, who, when assembled in their (electoral)

colleges, shall vote by secret ballot for two Brazilian citizens, one of whom shall not be a native of the province to which the colleges belong, and neither of whom shall be a naturalized citizen. When the votes are canvassed, three reports of the same tenor shall be drawn up containing the names of all the candidates and the exact number of votes received by each. These reports, when signed by the electors and sealed, shall be sent, one to the municipal chamber to which the college belongs, the other to the general government through the President of the province, and the third directly to the President of the Senate.

Art. 28. The President of the Senate, on receiving the reports of all the colleges, shall open them in joint session of the General Assembly and shall have the votes counted. The citizen who receives the majority shall be the regent. Should there be a tie by two or more citizens having the same number of votes, choice between them shall be decided by lot.

Art. 29. The general government shall fix the same day for this election in all the provinces of the Empire.

Art. 30. So long as the regent does not enter upon his duties and in his default or impediments the minister of Empire shall govern, and in his default or impediment the minister of justice.

Art. 31. The ruling regent shall govern until the regent treated of in article 26 shall have been elected and shall have entered upon his duties.

Art. 32. The Council of State treated of in Title V, Chapter VII, of the Constitution is hereby abolished.

#### LAW OF INTERPRETATION.

The regent in the name of the Emperor Senhor D. Pedro II, makes known to all the subjects of the Empire that the General Legislative Assembly has decreed and he has sanctioned the following law:

#### LAW OF THE TWELFTH OF MAY, 1840.

##### *Interpreting some Amendments of the Constitution.*

Article 1. The word municipal of Article 10, paragraph 4, of the additional act, comprehends both the anterior police and economy, and the final clause of the same article "in conformity with the propositions of the municipal chambers," refers to both these.

The word "police" comprehends only the municipal and administrative police and not the judicial.

Art. 2. The ability to create and suppress municipal and provincial offices conceded to the Provincial Assemblies by paragraph 7 of article 10, of the additional act, refers only to the number of these offices without changing their nature and functions, when they have been established by general laws relating to affairs upon which the said assemblies cannot legislate.

Art. 3. Paragraph 11, of article 10, refers only to those provisional employes whose duties relate to affairs upon which the Provincial Legislative Assemblies can legislate, and in no wise to those created by general laws relating to matters within the jurisdiction of the general legislative power.

Art. 4. The word magistrate in article II, paragraph 7, of the additional act, does not refer to the members of the Superior Courts and tribunals.

Art. 5. In the determination of the suspension or dismissal of the Magistrates the Provincial Assemblies proceed as tribunals of justice. They can, however, impose such penalties only in virtue of suit brought for crime of responsibility imposed by anterior criminal laws, observing the form of the trial previously established for such cases.

Art. 6. The decree of suspension or dismissal should contain:

First. The statement of the fact.

Second. The citation of the law under which the magistrate is liable.

Third. A succinct setting forth of the chief basis for the decision reached.

Art. 7. Article 16 of the additional act comprehends implicitly the case in which the President of the province refuses his sanction to a bill on account of his believing it to conflict with the Constitution of the Empire.

Art. 8. The provincial laws that may conflict with the interpretation given in the preceding articles are not to be regarded as repealed by the promulgation of this law, unless it be so expressed by acts of the general legislative power.



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# CONSTITUTION OF THE UNITED STATES OF BRAZIL.

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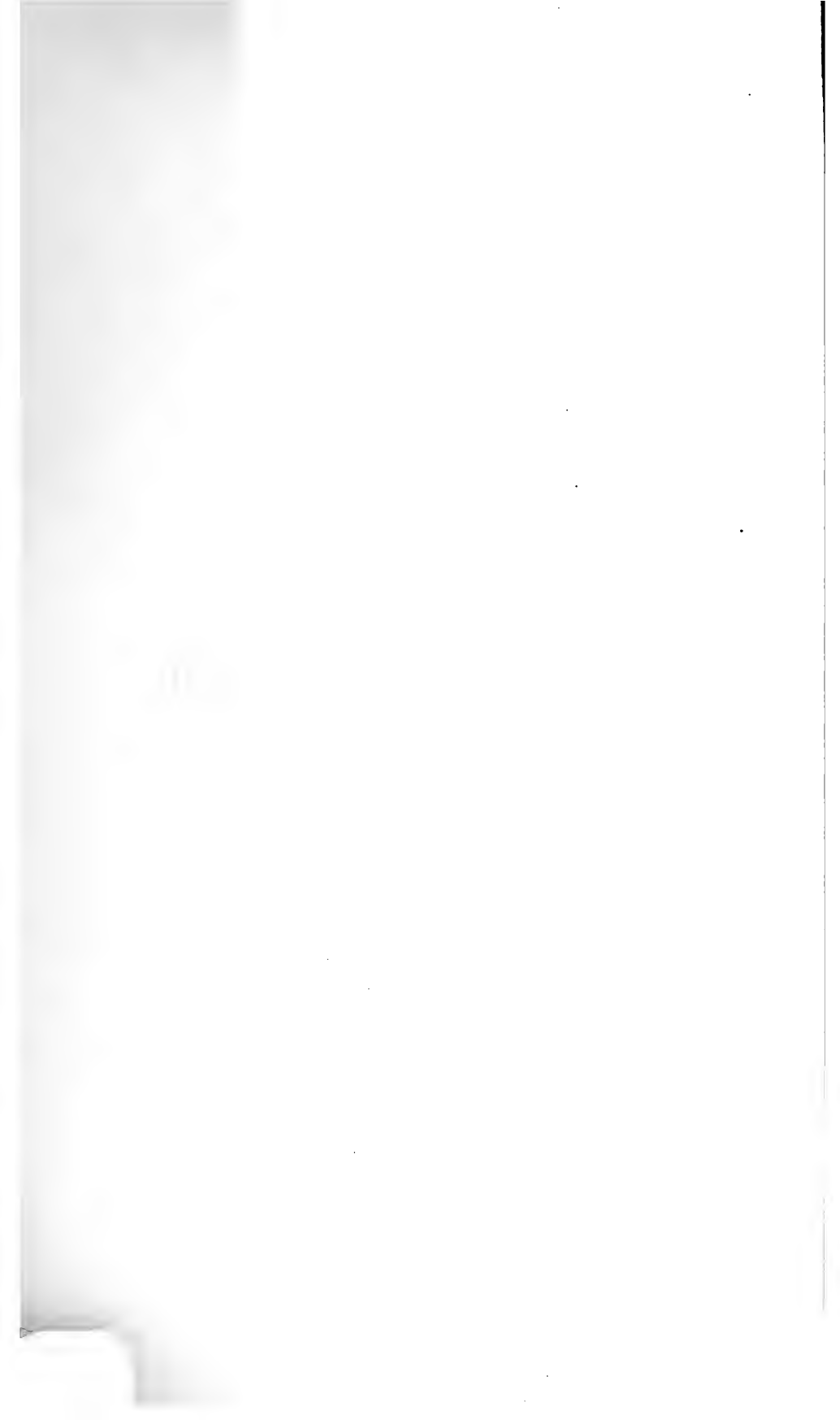
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# CONSTITUTION OF THE UNITED STATES OF BRAZIL.

## CHAPTER I.

### *Federal Organization.*

#### Article

1. The indissoluble union.
2. Each of the former province shall constitute a State, and the former municipal district shall form the Federal District, continuing to be the capital of the Union, until the Congress shall otherwise determine.
3. The States shall have the right to incorporate themselves with one another, subdivide themselves with the consent of the respective local Legislatures.
4. Each State shall, at its own expense, provide for the needs of its own government.
5. The Federal government shall not interfere in matters pertaining peculiarly to the States.
6. It is the exclusive prerogative of the Union to decree.
7. In regard to preferences in favor of the ports of any of the States against those of others by means of commercial or fiscal regulations.
8. The States alone are competent to decree taxes.
9. The States are forbidden to tax in any way the acts, institutions or service established by the government of the Union.
10. It is forbidden to the States as well as to the Union.
11. In regard to the authority of the government of the Union in matters which concern concurrently the government of the Union, and those of the States.
12. In regard to sources of revenue.

#### Article

13. The right of the Union and of the States to legislate in regard to railways, etc., to be regulated by law of the National Congress.
14. In regard to the land and naval forces.
15. In regard to the legislative, executive and judicial powers.

### *General Provisions.*

16. The legislative power is vested in the National Congress.—Of whom composed.—The election of the Senators, etc.
17. Where the Congress shall assemble.—Length of session.—Date of opening, etc.—In case of vacancy.
18. The Chamber and the Senate shall hold their sessions apart, and in public, unless.—The rules of the two chambers.
19. Each of the chambers shall choose a presiding officer, organize its own government, etc.
20. The Deputies and Senators can not be held to account for their opinions, etc., in the discharge of their mandate.
21. When Deputies or Senators can be arrested or prosecuted.
22. The members of the two chambers shall take a formal obligation to perform their duties faithfully.
23. In regard to the pecuniary emolument of the Senators and Deputies.
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## Article

25. The following are the conditions of eligibility for election to the National Congress.
26. The following persons are eligible to the National Congress.

## CHAPTER II.

*The Chamber.*

27. Of whom the Chamber is composed.—When a census of the population shall be taken.
28. In regard to legislation touching the levying of duties, disposition of the land and naval forces.

## CHAPTER III.

*The Senate.*

29. Of whom the Senate is composed.—How chosen.
30. The term of the Senators.—In case of a parity of votes.—The term of a Senator elected in the place of another.
31. The Vice-President shall be the president of the Senate.
32. The Senate alone has the power to try and sentence the President of the Republic.

## CHAPTER IV.

*Powers of the Congress.*

33. The National Congress shall have exclusive power in the following enumerated cases.
34. It belongs likewise to the Congress, but not exclusively.

## CHAPTER V.

*Laws and Resolutions.*

35. All bills may originate in the Chamber or in the Senate, except.
36. A bill, after being passed in one of the chambers, shall be submitted to the other.—In regard to a veto.—In case of his failure to return the bill within ten days.
37. In regard to a bill from one chamber amended by another.—In a contrary case.—If the

## Article

- alterations be rejected by such vote.
38. Bills finally rejected or not approved.

## SECTION II.

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*The President and Vice-President.*

39. The executive power is exercised by the President of the United States of Brazil.—The Vice-President.—In case of vacancy in the Vice-Presidency.—The following are the conditions of eligibility to the Presidency or Vice-Presidency of the Republic.
40. The President's term of office.—In regard to the Vice-President who shall fill the Presidency during the last three years of the Presidential term.—When the first Presidential term shall expire.
41. On taking possession of his office the President shall take the following affirmation.
42. The President and the Vice-President shall not leave the Territory without the permission of Congress.
43. The salary of the President and Vice-President.

## CHAPTER II.

*Election of President and Vice-President.*

44. How the President and Vice-President are chosen.
45. When the election for President and Vice-President shall be held throughout the Republic.—In regard to the electors and their votes.
46. The joint session of the two houses shall be considered as constituted for the purpose of verifying the election of the President and Vice-President, unless.

## CHAPTER III.

*The Powers of the Executive.*

47. To the President of the Republic belongs the exclusive right to

Article

sanction, promulgate and make public the laws, to choose and dismiss at will the cabinet officers, etc.

48. In regard to the ministers of State.
49. The cabinet ministers shall not exercise any other employment or function of a public nature, nor be eligible to the Presidency or Vice-Presidency.
50. The cabinet ministers shall not appear at the sessions of the Congress, and shall communicate with that body only in writing, or by personal conference with the committees of the chamber.
51. Responsibility of the cabinet ministers.

CHAPTER V.

*Responsibility of the President.*

52. The President shall be brought to trial and judgment in the Federal Supreme Court.—In case of common crimes.
53. The crimes of responsibility on the part of the President of the Republic are as follows.

SECTION III.

*The Judiciary.*

54. The judicial power of the Union shall be lodged in the Federal Supreme Court and as many inferior courts as the Congress may create.
55. Of whom the Federal Supreme Court shall be composed.
56. The term of office of the Federal justices.—Their salaries.—The Senate shall try the members of the Federal Supreme Court.
57. The Federal Courts shall choose their presidents from among their own members.—The Attorney-General.—How appointed.
58. The duty of the Federal Supreme Court.
59. The duty of the Federal Court.
60. In regard to the decisions of the State Courts or tribunals in

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matters wherein their competence shall put an end to the suits and questions, except.

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CHAPTER II.

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62. Each State shall be governed by the constitutional laws which it shall adopt.—They must observe the following rules.
63. In regard to the distribution to the States of wild lands.
64. The right of the States.
65. What is forbidden to the States to do.
66. In regard to the Federal District.—How governed.—The organization of the same.

CHAPTER III.

*The Municipality.*

67. With respect to municipal government, the States, by their own laws, shall be organized on the following basis.

CHAPTER IV.

*Brazilian Citizenship.*

69. The following are Brazilian citizens.
70. Citizens more than twenty-one years of age and registered according to law, shall be electors.—Those who shall not be registered as electors.
71. The rights of the Brazilian citizen can be suspended or lost only in the following cases.

SECTION II.

*Declaration of Rights.*

72. The Constitution of Brazilians and foreigners residing in the country, the inviolability of their rights, touching individual liberty, and security, and property, in the following terms.
73. In regard to public offices, civil or military.

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74. In regard to officers of the army and navy.—The enumeration of the rights and guarantees expressed in the Constitution does not exclude other guarantees and rights.

## CHAPTER V.

*General Provisions.*

76. The citizen vested with the functions of either of these three powers shall not exercise those of another.
77. In regard to any part of the territory of the Union in state of siege.
78. In regard to criminal cases and trials.
79. The responsibility of public officers.
80. Until revoked, the laws of the ancient regime remain in force, provided.
81. The payment of the public debt.
82. In regard to military service in defense of the country.
83. Recruiting for military service abolished.—The army and navy.—How made up.
84. In no case shall the United States of Brazil engage in a war of conquest.
85. The amendment of the Constitution.

*Temporary Provisions.*

1. In regard to the election of both chambers of the first National Congress.
2. The acts of the Provisional Government, as far as they are not contrary to the Constitution, shall be laws of the Republic until revoked by Congress.

## Article

3. In regard to the State which shall not have adopted its Constitution by the end of the year 1892.
4. In regard to the States that have been organized.
5. The Federal Government shall open special credits with the States during the organization of their services.
6. The classification of the revenues shall enter into force within two years from the approval of the Constitution by the first Congress.
7. In regard to the first appointments for the Federal magistracy.
8. In the first organization of their respective magistracies the States shall enter by preference the present courts of first and second instance.
9. Members of the Supreme Tribunal of Justice not admitted to the Federal Supreme Court shall be retired with their salaries.
10. In regard to judges of the higher and law courts who shall lose their positions.
11. In regard to the expenses of the present courts before the States shall be constitutionally organized.
12. Until the regulations for the drawing for lots for military service shall be established, the army and naval forces shall be made up by enlistment.

We order, then, all the authorities to whom the recognition and execution of this decree belongs to execute and have executed and observed the said decree in all its provisions.

TITLE I.

*Of the Federal Organization.*

Preliminary Dispositions.

Article 1. The Brazilian Nation adopts as its form of government under the representative regimen, the Federal Republic proclaimed on the 15th of November, 1889, and by the perpetual and indissoluble union of its former provinces, is constituted the United States of Brazil.

Art. 2. Each of the former provinces shall form a state, and the former neutral municipality shall constitute the Federal District, continuing, to be the capital of the Union so long as the disposition of the following article is not carried out.

Art. 3. The Union shall retain possession of an area of 14,400 square kilometers on the central plateau of the Republic, which shall be laid out in due time for the establishment therein of the future federal capital.

When the capital shall have been changed the present federal district shall become a State.

Art. 4. The States may be united, subdivided or dismembered for the purpose of being annexed to others or of forming new States, subject to the approval of the respective legislative assemblies in two successive annual sessions, and the approval of the national Congress.

Art. 5. It is the duty of each State to meet its own expenses for the necessities of its government and administration; the Union, however, will lend its aid to the State that may ask it in case of public calamity.

Art. 6. The Federal Government shall not interfere in the affairs belonging exclusively to the State, except:

1. To repel a foreign invasion or that of another State.
2. To maintain the federal republican form of government.
3. Upon the requisition of the respective governments to re-establish order and tranquillity in the States.

4. To enforce the execution of the federal laws and sentences.

Art. 7. It is the exclusive duty of the Union to legislate upon:

1. Duties upon foreign importations.
2. The rights of entry, departure and stay of ships; the coasting trade is free to domestic merchandise and also to foreign merchandise that has already paid the import duty.

3. Stamp taxes, except as restricted by article 9, section 1, number 1.

4. Post-office and federal telegraph rates:

Section 1. There also belong exclusively to the Union:

1. The institution of banks of emission.

2. The creation and maintenance of custom houses.

Sec. 2. The imposts laid by the Union shall be uniform for all the States.

Sec. 3. The laws of the Union and the acts and sentences of its authorities shall be executed throughout the country by federal officers; the execution of the laws, however, may by their consent be intrusted to the State governments.

Art. 8. The Federal Government is prohibited from making, in any manner whatever, distinctions and preferences in favor of the ports of some of the States as against those of others.

Art. 9. It is the exclusive function of the States to decree imposts:

1. Upon the exportation of merchandise of their own production.

2. Upon real estate whether rural or urban.

3. Upon the transfer of property.

4. Upon industries and professions.

Section 1. It also belongs exclusively to the States to decree:

1. Stamp tax, so far as it concerns the acts emanating from their respective governments and the affairs of their economy.

2. Contributions relating to their telegraphs and post-offices.

Sec. 2. The production of other States is free from duty in the State to which it is exported.

Sec. 3. A State may tax the importation of foreign merchandise only when it is destined for consumption in its own territory; the amount of the tax must, however, go to the federal treasury.

Sec. 4. There is reserved to the States the right to establish telegraph lines between the different points in their territories, and between these places and those of other States that are not served by federal lines; the Union may disappropriate them when it is for the general welfare.

Art. 10. The States are prohibited from taxing federal properties or business in charge of the Union, and vice versa.

Art. 11. The States and the Union are prohibited from

1. Laying imposts for transit through the territory of a State, or upon products of other States of the Republic, or on foreign products passing from one to the other, or on the vehicles transporting them, whether by land or by water.

2. To establish, subsidize, or embarrass the exercise of religious worship.

3. To enact retroactive laws.

Art. 12. Besides the sources of income mentioned in articles 7 and 9, it is lawful for the Union as well as the States, conjointly or not, to establish any others that do not conflict with the provisions in articles 7, 9, and 11, note 1.

Art. 13. The right of the Union and of the States to legislate upon railways and interior navigation shall be regulated by federal law.

Coasting navigation shall be done by national vessels.

Art. 14. The land and naval forces are permanent national institutions, destined for the defense of the country without, and the maintenance of the laws within.

Within the limits of the law the armed force is essentially obedient to its superior officers and is obliged to uphold the constitutional institutions.

Art. 15. The legislative, executive and judicial powers are the organs of national sovereignty, harmonious and independent of each other.

### *Section I.—Of the Legislative Power.*

#### **Chapter I.—General Dispositions.**

Article 16. The legislative power is exercised by the national Congress with the sanction of the President of the Republic.

Section 1. The national Congress is composed of two branches: The Chamber of Deputies and the Senate.

Sec. 2. The election for Senators and Deputies shall be held at the same time throughout the whole country.

Sec. 3. No one can be Deputy and Senator at the same time.

Art. 17. Congress shall meet without call at the federal capital on the third day of May of each year, if the law does not designate another day, and shall remain in session four months from the date of its opening; it may be prorogued temporarily, adjourned or convoked in extraordinary session.

Section 1. Congress alone can determine the prorogation and adjournment of its sessions,

Sec. 2. Each legislature shall last three years.

Sec. 3. The government of the State among whose representatives a vacancy occurs for any reason, including resignation, shall at once order a new election.

Art. 18. The Chamber of Deputies and the Senate shall work separately, and except when the contrary is determined upon by a majority of votes, in open sessions. Decisions shall be determined by a majority of votes, when an absolute majority of their members is present in each of the Chambers.

It is a function of each of the chambers:

To verify and recognize the powers of its members;

To elect its officers;

To make rules for its own government;

To regulate the service of its internal police;

To appoint the employes of its administration (secretaria).

Art. 19. The Deputies and Senators are inviolable for opinions, words and votes used in the exercise of their duties.

Art. 20. The Deputies and Senators from the time they shall have received their credentials until the new election, cannot be arrested or tried as criminals without the previous permission of their Chambers, except in case of flagrancy in a crime that does not admit of bail. In this case, when the trial has reached the passing of judgment, the authority conducting the trial shall send the papers of the case to the respective chamber that it may decide upon the (further) procedure of the accusation, if the accused does not prefer immediate judgment.

Art. 21. On taking their seats the members of the two chambers shall give a formal promise in public session to properly discharge their duties.

Art. 22. During the sessions the Senators and Deputies shall receive equal salaries and their expenses (*adjuda de custo*) which shall be fixed by Congress at the end of each legislature for the next one.

Art. 23. No member of Congress, after he is elected, shall make contracts with the executive power or receive from it commissions or paid employment.

Section 1. There are excepted from this prohibition:

1. Diplomatic missions.

2. Military commissions or commands.

3. Official (*cargos de acesso*) and legal promotions.

Sec. 2. Except, however, in cases of war or cases in which the honor and integrity of the Union are involved, no deputy or Senator shall accept appointment for missions, commissions or commands treated of in numbers 1 and 2 of the preceding paragraph without the permission of his respective chamber, when such acceptance would prevent the exercise of his legislative functions.

Art. 24. Neither shall a Deputy or Senator be president or director of banks, companies or enterprises that enjoy the favors of the federal government as defined by law.

The violation of the provisions of this and of the preceding article shall be followed by loss of office.

Art. 25. Legislative duty is incompatible with the exercise of any other function during the sessions (of the legislature).

Art. 26. The conditions of eligibility to the national congress are:

1. To be in the enjoyment of the rights of a Brazilian citizen, and to be competent as an elector.

2. For the chamber, to have been a Brazilian citizen more than four years; and for the Senate, more than six years. This disposition does not comprehend citizens referred to in number 4 of article 69.

Art. 27. Congress shall declare by special law the cases of electoral incompatibility.

## Chapter II.—Of the Chamber of Deputies.

Article 28. The Chamber of Deputies is composed of representatives of the people elected by the States and by the federal district by direct suffrage, the representation of the minority being guaranteed.

Section 1. The number of Deputies shall be fixed by law in such proportion that it shall not exceed one for every seventy thousand inhabitants, and shall not be less than four for each State.

Sec. 2. To this end the federal government shall have the census of the population of the Republic taken at once, and this shall be revised every ten years.

Art. 29. The following functions belong to the chamber: The initiative of the adjournment of the legislative session and of all laws of taxation, of laws fixing the land and naval forces, of the discussion of bills offered by the executive power, and

the declaration of the procedure or non-procedure of accusation against the President of the Republic according to article 53, and against the Ministers of State in the crimes connected with those of the President of the Republic.

### Chapter III.—Of the Senate.

Article 30. The Senate is composed of citizens eligible under article 26, and over thirty-five years of age; in number there shall be three Senators for each State and three for the federal district elected in the same manner as the Deputies.

Art. 31. The term of office of a Senator shall be nine years, a third of the Senate being renewed every third year.

A Senator elected as a substitute for another shall hold office for the term that remained for the one whose place he takes.

Art. 32. The Vice-President of the Republic shall be President of the Senate where he shall have only a casting vote, and his place shall be filled in his absence or impediment by the Vice-President of the same Chamber.

Art. 33. It is the exclusive duty of the Senate to judge the President of the Republic and the other federal officers designated by the Constitution in the terms and in the manner prescribed by it.

Section 1. When the Senate deliberates as a tribunal of justice it shall be presided over by the President of the Federal Supreme Court.

Sec. 2. It shall not pass condemnatory sentence except by (vote of) two-thirds of the members present.

Sec. 3. It cannot impose penalties other than the loss of official position and the incapacity to exercise any other, without interfering with the process of ordinary justice against the condemned.

### Chapter IV.—Of the Attributes of Congress.

Article 34. It is the exclusive duty of the national Congress:

1. To estimate the receipts, and to fix the federal expenses annually, and to take the accounts of the receipts and expenses of each financial operation.

2. To authorize the executive power to contract loans and to perform other operations of credit.

3. To legislate regarding the public debt and to establish means for its payment.

4. To regulate the keeping and distribution of the federal income (rendas).

5. To regulate international commerce and also that of the States among themselves and with the federal district, to establish custom houses at the ports, to create or suppress bonded warehouses (estrepastos).

6. To legislate upon the navigation of streams that bathe more than one State or extend to foreign territory.

7. To determine the weight, value, inscription, type and denomination of coins.

8. To create banks of emission, to legislate upon and to tax the emission.

9. To fix the standards of weights and measures.

10. To determine finally the limits of States with respect to each other, the limits of the federal district and those of the national territory with neighboring nations.

11. To authorize the government to declare war, if there is no opportunity for arbitration or if arbitration has failed, and to make peace.

12. To settle definitely upon treatise and agreements with foreign nations.

13. To move the capital of the Union.

14. To concede subsidies to the States as provided by article 5.

15. To legislate upon the post-office and federal telegraph services.

16. To adopt a suitable regimen for the security of the frontiers.

17. To fix annually the land and naval forces.

18. To legislate upon the organization of the army and navy.

19. To concede or refuse foreign forces passage through the territory of the country for military operations.

20. To mobilize and utilize the national guard or civil militia in cases provided for by the Constitution.

21. To declare a state of siege in one or more points in the national domain in case of aggression by foreign forces or of internal disturbance, and to approve or suspend this State when, in the absence of Congress, it may have been declared by the executive power, or by its responsible agents.

22. To regulate the conditions and process of election for federal offices in the whole country.

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23. To legislate upon civil, commercial and criminal laws of the Republic and upon the procedure of federal justice.

24. To establish uniform laws regarding naturalization.

25. To create and suppress public federal offices, to determine their functions and to fix the remunerations therefor.

26. To organize federal justice under article 55 and those following in section III.

27. To grant amnesty.

28. To commute and remit penalties imposed for malfeasance upon federal officers.

29. To legislate regarding lands and mines belonging to the Union.

30. To legislate upon the municipal organization of the federal district, the police, higher education, and upon other services in the capital that are reserved for the government of the Union.

31. To submit to special legislation the points of the territory of the Republic necessary for the founding of arsenals or other establishments and institutions for federal convenience.

32. To regulate cases of extradition between the States.

33. To pass laws and resolutions necessary for the exercise of the powers belonging to the Union.

34. To pass organic laws for the complete carrying out of the Constitution.

35. To prorogue and adjourn its sessions.

Art. 35. It is also a function of Congress, but not an exclusive one:

1. To watch over the Constitution and the laws, and to provide for the necessities of the federal government.

2. To encourage in the country the development of literature, the arts and sciences, and also immigration, agriculture, industry and commerce without bestowing privileges that interfere with the action of local governments.

3. To create institutions of higher and of secondary instruction in the States.

4. To provide secondary instruction in the federal district.

### Chapter V.—Of the Laws and Resolutions.

Article 36. Except in the instances specified in article 29, all bills may originate indiscriminately in the Chamber or Senate under the initiative of any of their members.

Art. 37. A bill adopted in one of the houses shall be submitted to the other; and the latter if it be approved, shall send it to the executive power, who, if it is agreed to, shall sanction and promulgate it.

Section 1. If, however, the President of the Republic judges it unconstitutional, or contrary to the interests of the nation, he shall refuse his sanction within ten working days (*dias uteis*) from that on which he received the bill, sending it back within this term to the chamber in which it may have originated, with the reasons for his refusal.

Sec. 2. The silence of the President of the Republic for ten days amounts to sanction; and in case of the refusal of his sanction when the Congress has already adjourned the President shall publish his reasons.

Sec. 3. When the bill has been returned to the chamber where it originated, it shall there be discussed and a nominal vote taken upon it, and it shall be considered approved if it receives two-thirds of the suffrages present. In this case the bill shall be sent to the other chamber, which, if it approve it by the same process and by the same majority, shall send it, as a law, to the executive power for the formality of promulgation.

Sec. 4. The sanction and promulgation shall be made in this formula:

1. "The National Congress decrees and I sanction the following law (or resolution)."

2. "The National Congress decrees and I promulgate the following law (or resolution)."

Art. 38. If the law should not be promulgated by the President of the Republic within forty-eight hours as provided in article 37, paragraphs 2 and 3, the President of the Senate or the Vice-President, if the first does not do it within an equal term, shall promulgate it, using the following formula:

"I, . . . . ., President (or Vice-President) of the Senate, make known to those to whom the present may come, that the National Congress decrees and promulgates the following law (or resolution)."

Art. 39. When the bill of one chamber is amended in the other, it shall be returned to the first, which, if it accepts the amendments, shall send it in its modified form to the executive power.

Section 1. Otherwise it shall return to the revising chamber, and if the changes receive two thirds of the votes of the members present, they shall be considered approved, and the changes shall then be sent back with the bill to the originating Chamber, which can reject them only by the same majority.

Sec. 2. When the amendments are rejected in this manner the bill shall be submitted for sanction without them.

Art. 40. Rejected or unsanctioned bills cannot be renewed in the same legislative session.

*Section II.—Of the Executive Power.*

**Chapter 1.—Of the President and Vice-President.**

Article 41. The President of the Republic of the United States of Brazil exercises the executive power as elective chief of the Nation.

Section 1. The Vice-President elected at the same time, takes the place of the President in case of his impediment, and succeeds him in his default.

Sec. 2. In the impediment or default of the Vice-President, the Vice-President of the Senate, the President of the Chamber, and the President of the Supreme Federal Court shall be successively called to the presidency.

Sec. 3. The conditions essential to be elected President or Vice-President of the Republic are:

1. To be a native Brazilian.
2. To be in the exercise of political rights.
3. To be more than thirty-five years of age.

Art. 42. In case of a vacancy for any cause, either of the Presidency or Vice-Presidency, if two years of the presidential period shall not have passed, a new election shall be held.

Art. 43. The President shall hold office for four years; he cannot be re-elected for the next succeeding presidential term.

Section 1. The Vice-President who exercises the presidency in the last year of the presidential term cannot be elected President for the succeeding term.

Sec. 2. The President shall, without any possible prorogation of his term, cease the exercise of the functions of his office on the day on which his term of office expires, the newly elected succeeding him at once.

Sec. 3. In case the latter is impeded or in his default the substitution shall take place as provided in article 41, paragraphs 1 and 2.

Sec. 4. The first presidential period shall end on the 15th of November, 1894.

Art. 44. On entering upon the duties of his office, the President shall, in the session of Congress, or, if this be not in session, before the Supreme Federal Court, pronounce the following affirmation:

"I promise to maintain and with perfect loyalty to comply with the federal Constitution, to promote the general welfare of the Republic, to observe its laws, to sustain its union, integrity and independence."

Art. 45. The President and Vice-President cannot go out of the national territory without permission of Congress, under penalty of losing the office.

Art. 46. The President and Vice-President shall receive the salary fixed by Congress in the preceding presidential period.

#### Chapter II.—Of the Election of President and Vice-President.

Article 47. The President and Vice-President of the Republic shall be elected by direct suffrage of the nation and by the absolute majority of votes.

Section 1. The election shall take place on the first of March of the last year of the presidential period, the canvass of the votes received in the respective districts being made at the federal capital and in the capitals of the States.

Congress shall make the canvass (of the votes) at its first session of that year with any number of members present.

Sec. 2. If neither of the candidates shall have received an absolute majority, Congress, by a majority of the votes present, shall elect one of the two receiving the highest number of votes in the direct election. In case of a tie the older one shall be considered elected.

Sec. 3. The process of election and of canvassing the votes shall be regulated by common law.

Sec. 4. Relatives by consanguinity or by affinity, in the first and second degrees of the President or Vice-President either in office at the time of election, or who may have left it six months before, are ineligible to the offices of President and Vice-President.

#### Chapter III.—Of the Attributes of the Executive Power.

Article 48. It is the exclusive function of the President of the Republic:

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1. To sanction, promulgate and have the laws and resolutions of Congress published; to issue decrees, instructions and regulations for their faithful execution.

2. To appoint and discharge freely the Ministers of State.

3. To exercise or to designate who shall exercise supreme command of the land and naval forces of the United States of Brazil whenever they are called to arms for the internal or external defense of the Union.

4. To administer the army and navy, and to distribute the respective forces according to the federal laws and the necessities of the national government.

5. To confer the civil and military offices of federal character, under the restrictions expressed in the Constitution.

6. To pardon and commute penalties in cases of crimes subject to federal jurisdiction, except in the cases referred to in article 34, number 28, and article 52, paragraph 2.

7. To declare war and to make peace in the terms of article 34, number 11.

8. To declare war immediately in cases of foreign invasion or aggression.

9. To give account annually to the national Congress, of the condition of the country, indicating the provisions and urgent reforms in a message which he shall remit to the secretary of the Senate on the day of the opening of the legislative session.

10. To call extra sessions of Congress.

11. To appoint federal magistrates upon the nomination of the Supreme Court.

12. To appoint the members of the Federal Supreme Court and the diplomatic ministers, submitting the nominations to the approval of the Senate.

In the absence of Congress he shall place them in commission until the Senate takes action.

13. To appoint the other members of the diplomatic corps and the consular agents.

14. To maintain relations with foreign States.

15. To declare either of himself, or through his responsible agents, a state of siege in any part of the national territory, in cases of foreign aggression or grave internal commotion. (Art. 6, No. 3, art. 34, No. 21, and art. 80.)

16. To establish international negotiations, to make adjustments, conventions and treaties, always ad referendum of Con-

gress, and to approve those the States may make in conformity with article 65, submitting them, when finished, to the authority of Congress.

Chapter IV.—Of the Ministers of State.

Article 49. The President of the Republic is aided by the Ministers of State, his confidential agents, who subscribe to his acts, and each one of them shall preside over one of the Ministries into which the federal administration is divided.

Art. 50. The Ministers of State shall not accumulate the exercise of other employment or public function nor be elected President or Vice-President of the Union, Deputy or Senator.

The Deputy or Senator who accepts the office of Minister of State shall lose his (former) position and a new election shall be held immediately in which he cannot be a candidate.

Art. 51. The Ministers of State shall not appear in the sessions of Congress, and shall only communicate with it by writing, or in personal conferences with the committees of the Chambers.

The annual reports of the ministers shall be addressed to the President of the Republic and distributed to all the members of Congress.

Art. 52. The Ministers of State are not responsible to Congress or to the Courts for advice given the President of the Republic.

1. They are responsible, however, as to their acts, for crimes specified by law.

2. In common crimes and for crimes of responsibility (malfeasance) they shall be tried and judged by the Supreme Federal Court; and in those connected with those of the President of the Republic they shall be tried by the authority competent to judge the President.

Chapter V.—Of the Responsibility of the President.

Article 53. The President of the United States of Brazil shall be submitted to trial and judgment, after the Chamber declares the accusation in order, before the Supreme Federal Court for common crimes, and for crimes of responsibility before the Senate.

When the regularity of the accusation has been decreed the President shall be suspended from his functions.

Art. 54. Crimes of responsibility are those acts of the President of the Republic against:

1. The political existence of the Union.
2. The Constitution and the form of the Federal Government.
3. The free exercise of the political powers.
4. The enjoyment and legal exercise of political or individual rights.
5. The internal security of the country.
6. The probity of the administration.
7. The keeping and the constitutional use of the public funds.
8. The appropriation laws passed by Congress.

Section 1. These delinquencies shall be defined by special law.

Sec. 2. Another law shall regulate the accusation, trial judgment.

Sec. 3. Both these laws shall be passed at the first session of the first Congress.

### *Section III—Of the Judiciary Power.*

Article 55. The judiciary power of the Union shall have for its organs a Supreme Federal Court with its seat at the capital of the Republic, and as many judges and federal courts distributed through the country as Congress may create.

Art. 56. The Supreme Federal Court shall be composed of fifteen judges, appointed according to article 48, number 12, from among citizens noted for their knowledge and reputation, and eligible for the Senate.

Art. 57. The federal judges shall hold office for life and shall lose their position only by judicial sentence.

Section 1. Their salaries shall be fixed by law and shall not be cut down.

Sec. 2. The Senate shall judge the members of the Supreme Federal Court for crimes of responsibility and this court shall judge the inferior federal judges.

Art. 58. The federal courts shall elect their presidents from their own number, and shall organize the respective secretaryships.

Section 1. The appointment and dismissal of the employes of the secretaryship, and the appointment of the officials of justice in the judicial districts, belongs respectively to the presidents of the courts.

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Sec. 2. The President of the Republic shall appoint from among the members of the Supreme Federal Court the Attorney-General of the Republic, whose duties shall be defined by law.

Art. 59. It shall be the duty of the Federal Supreme Court:

1. To try, and to judge originally and exclusively:
  - a. The President of the Republic in cases of common crimes, and ministers of state in cases covered by article 52.
  - b. The diplomatic ministers in common crimes and of responsibility crimes.
  - c. The cases and conflicts between the Union and the States, or between the several States.
  - d. The disputes and reclamations between foreign nations and the Union or the States.
  - e. The disagreements of the federal judges or of the federal courts with each other, or between these and those of the States, and also those of the judges and courts of a state with the judges and courts of another State.

2. In case of appeal to pass upon the questions decided by the federal judges and courts, and also those treated of in the present article, paragraph 1, and in article 60.

3. According to article 81, to revise cases that are ended.

Section 1. From the sentences of the justices of the States in last appeal, appeal may be taken to the Supreme Federal Court:

- a. When there is a question regarding the validity or the application of federal treaties and laws, and the decision of the State court is against it.
- b. When the validity of laws or of acts of the State governments is contested on constitutional grounds or on account of federal laws, and the decision of the State court considers these acts valid or these laws impugned.

Sec. 2. In cases in which State laws have to be applied, the federal justice shall consult the jurisprudence of the local courts and vice versa the State justices shall consult the jurisprudence of the federal courts when they may have to interpret the laws of the Union.

Art. 60. It is the business of the federal judges or courts to try and to pass upon:

- a. The cases, in which some of the parties base their action or defense upon some disposition of the federal Constitution.

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b. All cases brought against the government of the Union or the national treasury, based upon dispositions of the Constitution, laws and regulations of the executive power, or on contracts made with the federal government.

c. The cases based upon compensations, cases of replevin, claims for damages, or other cases proposed by the government of the Union against private parties or vice versa.

d. The litigations between one State and citizens of another State, or between citizens of different States when the State laws differ.

e. The litigations between foreign States and Brazilian citizens.

f. The suits brought by foreigners, whether based upon contracts with the government of the Union or upon agreements or treaties of the Union with other nations.

g. Questions of marine law and navigation both upon the ocean and upon the rivers and lakes of the country.

h. Questions of international law either criminal or civil.

i. Political crimes.

Section 1. Congress is prohibited from committing any federal jurisdiction to the justices of the States.

Sec. 2. The sentences and orders of the federal magistracy are executed by judiciary officials of the Union, to whom the local police is obliged to lend its aid when called for by them.

Art. 61. The decisions of the State judges or courts are final in trials and questions in affairs within their jurisdiction except as to:

1. Habeas corpus, or
2. Foreign spoils, when the particular kind has not been provided for in convention or treaties.

In such cases there shall be voluntary appeal to the Supreme Federal Court.

Art. 62. The State judges cannot intervene in questions submitted to the federal courts, neither can they annul, alter or suspend their sentences or orders.

And conversely the federal judiciary cannot intervene in questions submitted to the State courts to annul, alter or suspend their decisions or orders except in cases expressly declared in this Constitution.

TITLE II.

*Of the States.*

Art. 63. Each State shall be governed by the Constitution and laws that it may adopt, respecting, at the same time, the constitutional principles of the Union.

Art. 64. The mines and lapsed lands in their respective territories belong to the States, the Union being entitled only to the amount of territory that may be indispensable for the defense of the frontiers, fortifications, military constructions and federal railways.

The national properties that are not necessary for the service of the Union shall pass to the dominion of the States in whose territory they may be situated.

Art. 65. The States have the power

1. To celebrate among themselves agreements and treaties without political character. (Art. 48, n. 16.)

2. In general they have all and any power or right that is not denied them by the Constitution, either expressly or by implication.

Art. 66. The States are prohibited from:

1. Refusing faith in public documents of a legislative, administrative or judicial character, either of the Union or of any of the States.

2. Refusing to receive the coin or bank issue in circulation by act of the federal government.

3. Making or declaring war between themselves, and from making reprisals.

4. Refusing the extradition of criminals demanded by the judges of other States or of the federal district, according to the laws of the Union by which this matter is regulated. (Art. 34, n. 32.)

Art. 67. Excepting the restrictions specified in the Constitution and in the federal laws, the federal district is administered by the municipal authorities.

The local expenses at the capital of the Republic are incumbent exclusively upon the municipal authority.

TITLE III.

*Of the Municipality.*

Article 68. The States shall be so organized as to secure the autonomy of the municipalities in all matters pertaining to their special interests.

TITLE IV.

OF BRAZILIAN CITIZENS.

*Section I.—Of the Qualities of the Brazilian Citizen.*

Article 69. The following are Brazilian citizens:

1. Those born in Brazil, even though of a foreign father, so long as the latter is not in the service of his nation.
2. The sons of a Brazilian father and the illegitimate sons of a Brazilian mother born in a foreign country, if they establish a residence in the Republic.
3. The sons of a Brazilian father who may be in another country in the service of the Republic, even though they do not come to live in it.
4. Foreigners who, being in Brazil on the 15th of November, 1889, do not declare within six months after the Constitution goes into effect, their intention of preserving their original nationality.
5. Foreigners who own real estate in Brazil and have married Brazilian wives or have Brazilian children, if they live in Brazil, unless they manifest their intention of not changing their nationality.
6. Foreigners otherwise naturalized.

Art. 70. All citizens are electors who are over twenty-one years of age and who may register according to law.

Section 1. The following persons cannot be registered as electors for federal or State elections:

1. Beggars.
2. Those who don't know the alphabet.
3. Paid soldiers, excepting students in the higher military schools.
4. Members of monastic religious orders, companies, congregations or communities of any denomination whatever that are bound by vows of obedience, rule or statute that amounts to the renunciation of individual liberty.

Sec. 2. Those citizens who cannot register are ineligible.

Art. 71. The rights of a Brazilian citizen can be suspended or lost only in the cases here specified.

Section 1. They are suspended:

- a. For physical or moral incapacity.
- b. For condemnation for crime, while the effects of the condemnation last.

**Sec. 2. They are lost:**

a. By naturalization in a foreign country.

b. By accepting employment or pension of a foreign government without the leave of the executive federal power.

**Sec. 3. A federal law shall fix the conditions for the reacquisition of the rights of a Brazilian citizen.**

*Section II.—Declaration of Rights.*

**Article 72. The Constitution guarantees to Brazilians and to foreigners residing in the country the inviolability of rights to liberty, individual security, and property in the following terms:**

**Section 1. No one can do or fail to do anything except by virtue of the law.**

**Sec. 2. All are equal before the law.**

The Republic does not admit privileges of birth, recognizes no title of nobility, and abolishes the existing honorary orders and all the prerogatives and regalias, and also titles of nobility and of council.

**Sec. 3. All individuals and religious bodies may exercise publicly and freely their worship; they may form associations for this purpose, and may acquire property according to the dispositions of the common law.**

**Sec. 4. The Republic recognizes only civil marriage the celebration of which shall be gratuitous.**

**Sec. 5. The cemeteries shall have a secular character, and shall be administered by the municipal authority; religious worship and the practice of their various rites in relation to their creeds are free to all so long as they do not offend public morals and the laws.**

**Sec. 6. Instruction given in the public institutions shall be unsectarian.**

**Sec. 7. No cult or church shall receive an official subsidy, nor have relations of dependence or alliance with the government of the union or of the States.**

**Sec. 8. All persons are at liberty to form associations and to meet freely without arms; the police shall not interfere except to maintain public order.**

**Sec. 9. Everyone is at liberty to bring representations in the form of petitions to the public authorities, to denounce abuses committed by the authorities and to bring the guilty to justice.**

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Sec. 10. In time of peace anyone may enter or leave national territory with his fortune and goods, when and as he chooses, and without a passport.

Sec. 11. The home is the inviolable asylum of the individual; no one can enter it at night without permission of the owner, except to come to the assistance of the victims of crimes or disasters, or in the daytime except in cases and in the manner prescribed by law.

Sec. 12. The expression of opinion upon any subject in the press or on the platform is free and without censorship; everyone, however, is responsible for abuses that he may commit in the cases and in the manner determined by law. Anonymous publications are not permitted.

Sec. 13. With the exception of cases when taken in the act of committing a crime, no one can be arrested without a formal accusation and upon a written order of the proper authority, save in cases determined by law.

Sec. 14. No one shall be kept in prison without a formulated charge, save the exceptions specified by law; and no one shall be taken to prison or detained therein if he offers suitable bail in cases in which the law admits it.

Sec. 15. No one shall be sentenced except by competent authority in virtue of anterior law and in the manner regulated thereby.

Sec. 16. The law shall guarantee the accused the fullest defense, with all the resources and means essential thereto, from the complaint which, when signed by the competent authority with the names of the accuser and the witnesses, shall be delivered to the prisoner within twenty-four hours.

Sec. 17. The right of ownership is maintained in all its fullness, excepting disappropriation for public necessity or utility and after previous indemnity.

The mines belong to the owners of the soil, excepting the limitations that may be established by law for aiding the exploration of this branch of industry.

Sec. 18. The seal of correspondence is inviolable.

Sec. 19. No penalty shall go beyond the person of the guilty one.

Sec. 20. The punishment of the galleys and judicial banishment are abolished.

Sec. 21. The death penalty is also abolished excepting the dispositions of military legislation in time of war.

Sec. 22. The habeas corpus shall be given whenever the individual suffers or is in imminent danger of suffering violence or force through illegality or abuse of power.

Sec. 23. With the exception of cases which, by their nature, belong to special judges, there shall be no privileged jurisdiction.

Sec. 24. The free exercise of any profession, moral, intellectual or industrial, is guaranteed.

Sec. 25. Industrial inventions shall belong to their authors, to whom shall be guaranteed by law a temporary privilege, or a reasonable reward shall be conceded by Congress when it is desirable to permit the common use of the invention.

Sec. 26. To the authors of literary and artistic works is guaranteed the exclusive right to reproduce them by the press or by any other mechanical process. The heirs of authors shall enjoy this right for a time that the law shall fix.

Sec. 27. The law shall also secure the proprietorship of trademarks.

Sec. 28. No Brazilian citizen can be deprived of his civil and political rights, nor shall he be exempt from the discharge of any civil duty on account of religious creed or function. ✓

Sec. 29. Those who allege religious belief with a view to avoiding any duty that the laws of the republic impose upon its citizens, and those who accept decorations or foreign titles of nobility shall lose all their political rights. ✓

Sec. 30. No tax of any kind shall be collected except in virtue of a law authorizing it.

Sec. 31. The institution of the jury is maintained.

Art. 73. The public official positions, whether civil or military, are accessible to all Brazilians so long as the conditions of special fitness required by law are observed; the accumulation of salaried positions, however, is forbidden.

Art. 74. Patents, military positions and permanent offices are guaranteed in all their plenitude.

Art. 75. Retirement on a pension can be given public functionaries only in case of invalidity in the service of the nation.

Art. 76. The officers of the army and navy can lose their patents only by condemnation to more than two years of imprisonment passed by the competent tribunals.

Art. 77. The military, both land and marine, shall have a special tribunal for military offenses.

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Section 1. This tribunal shall be composed of a Supreme Military Court, made up of life members, and of the counsels necessary for the formulation of charges and the judgment of crimes.

Sec. 2. The organization and functions of the Supreme Military Court shall be regulated by law.

Art. 78. The specification of the guarantees and rights expressed in the Constitution does not exclude other guarantees and rights which are not enumerated, but which may result from the form of the government which it (the Constitution) establishes and from the principles it enunciates.

### TITLE V.

#### *General Dispositions.*

Art. 79. A citizen invested with the functions of either of the three federal powers shall not exercise those of another.

Art. 80. In case of foreign aggression or internal disturbance, a state of siege can be declared in any part of the union and the constitutional guarantees suspended therein for a specified term whenever the security of the Republic makes it necessary. (Art. 34, n. 21.)

Section 1. When Congress is not in session and the country is in imminent danger, the federal executive power shall exercise this function. (Art. 48, n. 15.)

Sec. 2. During the state of siege, however, this power shall be limited, in the measures of repression against persons, to compelling:

First. Detention in a place not destined for persons guilty of common crimes.

Second. Removal to other parts of the national territory.

Sec. 3. As soon as Congress assembles, the President of the republic shall report to it the exceptional measures that may have been taken, giving the reasons therefor.

Sec. 4. The authorities that may have ordered such measures are responsible for the abuses committed.

Art. 81. Criminal suits ended may be revised at any time in favor of the condemned, by the Federal Supreme Court with a view to changing or affirming the sentence.

Section 1. The law shall mark the cases and the form of the revision that may be required by the condemned, by any one of the people, or, ex officio, by the Attorney-General of the republic.

Sec. 2. In the revision the penalties of the revised sentence cannot be increased.

Sec. 3. The dispositions of the present article are applicable to military trials.

Art. 82. The public officials are strictly responsible for the abuses and omissions committed in the exercise of their offices, and also for indulgence or neglect in failing to hold their subalterns properly responsible.

A public official, upon entering office, shall bind himself by a formal promise to discharge his lawful duties.

Art. 83. There shall remain in force so long as they are not repealed, those laws of the ancient regimen which are not explicitly or by implication contrary to the system of government fixed by the Constitution and to the principles laid down therein.

Art. 84. The government of the union guarantees the payment of the public debt, both internal and external.

Art. 85. The officers of the navy, both commissioned and non-commissioned, shall have the same patents and advantages as those of the army in positions of corresponding rank.

Art. 86. Every Brazilian is under obligation to do military service in defense of the country and of the Constitution under the federal laws.

Art. 87. The federal army shall be composed of contingents, which the States and the federal districts are obliged to furnish, and shall be constituted in conformity with the annual law for fixing the forces.

Section 1. A federal law shall determine the general organization of the army in conformity with article 34, note 18.

Sec. 2. The union shall have charge of the military instruction of the military bodies of the militia and of the higher military instruction.

Sec. 3. Forced military recruiting is abolished.

Sec. 4. The army and navy shall be made up of volunteers without bounty, and in default of these by lot previously organized. The naval school, those of the marine apprentices, and the merchant marine by lot, shall go to make up the personnel of the navy.

Art. 88. The United States of Brazil shall, in no case, undertake a war of conquest, directly or indirectly, of themselves or in alliance with another nation.

Art. 89. A tribunal of accounts is instituted to settle accounts of receipts and expenses and to verify their legality before they are presented to Congress.

The members of the tribunal shall be appointed by the President of the republic, with the approval of the Senate, and shall only lose their positions by sentence.

Art. 90. The Constitution may be amended by the initiative of the national Congress or of the State Assemblies.

Section 1. The amendment shall be considered proposed when presented by at least a fourth part of the members of either of the chambers of the national Congress, and has been accepted in three discussions by two-thirds of the votes of each of the chambers, or when it has been solicited by two-thirds of the States in the course of a year, each State being represented by a majority of the votes of its Assembly.

Sec. 2. This proposition shall be considered approved if it is done during the following year, and after three discussions, by a majority of two-thirds of the votes in the two chambers of Congress.

Sec. 3. When the amendment is approved it shall be published with the signatures of the presidents and secretaries of the two chambers, and shall be incorporated in the Constitution as an integral part of it.

Sec. 4. Bills tending to the abolition of the federative republican form or the equality of the representation of the States in the Senate cannot be admitted as objects of deliberation in Congress.

Art. 91. When the Constitution is approved it shall be promulgated by the tribunal of Congress and signed by its members.

#### *Transitory Dispositions.*

Art. 1. When this Constitution is promulgated, Congress, met in general assembly, shall at once elect the President and Vice-President of the United States of Brazil by an absolute majority of the votes on the first ballot, and if no candidate receives it by a relative majority on the second ballot.

Section 1. This election shall be held in separate ballotings for the President and Vice-President, respectively, the ballots for President being received and canvassed first, and proceeding afterwards in the same way for the Vice-President.

Sec. 2. The President and Vice-President elected under this article shall fill the presidency and vice-presidency of the republic during the first presidential period.

Sec. 3. For this election there shall be no incompatibilities.

Sec. 4. When the election is concluded, the Congress shall consider its constituent mission terminated, and, separating into Chamber and Senate, shall begin the exercise of their normal functions on the fifteenth of June of the present year; it shall not be dissolved under any circumstances.

Sec. 5. In the first year of the first Legislature, and in their preparatory labors, the Senate shall designate the first and second thirds of their members whose terms of office shall cease at the end of the first and second three-year periods.

Sec. 6. This selection shall be made in three lists corresponding to the three thirds, and the Senators of each State and the federal district shall be graded in the order of the votes received by them respectively, so that the one receiving the largest number of votes in the federal district and in each of the States shall be assigned to the third triennial, and to the other two names according to the scale of the votes received.

Sec. 7. In case of a tie the oldest shall be considered the favored ones, and when their ages are the same it shall be determined by lot.

Art. 2. If any State shall not have adopted a Constitution up to the end of the year 1892 it shall, by act of Congress, be governed by that of some other State which may seem best adapted to its purposes until the State subjected to this regimen shall amend it as therein provided.

Art. 3. As fast as the States are organized the federal government shall deliver to them the administration of the services which constitutionally belong to them, when the responsibility for these services and the payment of the respective personnel shall no longer rest with the federal government.

Art. 4. While the States are occupied in regulating expenses, during the period of the organization of their services, the federal government shall open for them special credits, according to the conditions established by law.

Art. 5. In those States that may be organized the classification of revenues established by the Constitution shall go into effect.

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Art. 6. In the first nominations for the federal magistracy and for that of the States, the judges of law (juizes de direito) and the desembargadores of most note shall be preferred.

Those who have been more than thirty years in the service, and may not be admitted to the new organization of the judiciary shall be retired (aposentados) with their full salaries.

Those who have been in the service less than thirty years shall continue to draw their salaries until they are given employment (aproveitados) or retired with a remuneration corresponding to the term of their services.

The expenses incurred with pensioned or retired magistrates shall be paid by the federal government.

Art. 7. Beginning on the 15th of November, 1889, a pension is conceded to D. Pedro de Alcantara, ex-Emperor of Brazil, which shall guarantee him during the whole time of his life a decent subsistence.

The regular Congress, at its first session, shall fix the amount of this pension.

Art. 8. The federal government shall acquire for the nation the house in which Dr. Benjamin Constant Botelho de Magalhaes died, and it shall have an inscribed tablet set up in it in memory of the great patriot, the founder of the republic.

The widow of Dr. Benjamin Constant shall have the use of the said house during her lifetime.

CONSTITUTION  
OF THE  
REPUBLIC OF COLOMBIA,  
WITH  
AN HISTORICAL INTRODUCTION

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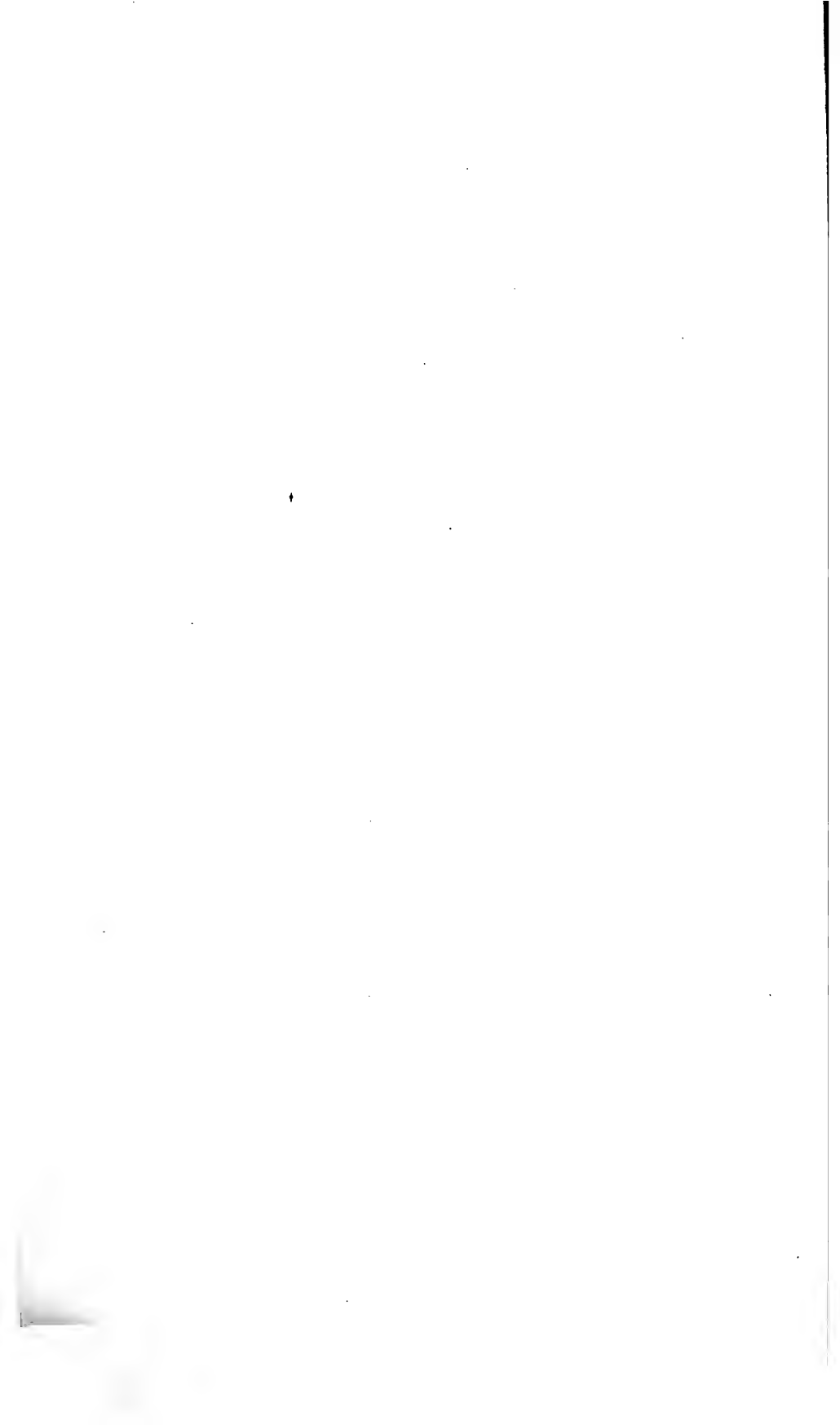
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1893.

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# INTRODUCTION

TO THE

## CONSTITUTION OF THE REPUBLIC OF COLOMBIA.

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### ANTECEDENTS.

The territory which at present belongs to the Republic of Colombia was known throughout the colonial period as the New Kingdom of Granada. Later, in union with Venezuela and Ecuador, it formed a part of the Republic of Colombia; and after the dissolution of this union it was the seat of the Republic of New Granada.

The individual political existence of this region began when, in 1663, it was separated from the viceroyalty of Peru. It was then organized as a presidency under Andres Venero de Leiva, who, as president appointed by the King of Spain, exercised within the limits of his presidency all those powers which had previously been held by the viceroy of Peru. The head of the government retained the title of president till 1719, when New Granada was made a viceroyalty; but five years later, in 1724, the presidency was restored, and was continued till 1740. In this year the viceroyalty was re-established.

The viceroyalty bore the title of the New Kingdom of Granada, and embraced the provinces of Terra Firma (State of Panama), Cartagena caybo, Caracas, Cumana and La Guayana (Republic of Venezuela), Antioquia (State of Antioquia), Pamplona and Socorro (State of Santander), Tunja (State of Boyaca), Santa Fe (State of Cundinamarca), Nelva and Mariquita (State of Tolima), Popayan and Pasto (State of Cauca), and Quito, Cuenca and Guayaquil (Republic of Ecuador). In 1777 the provinces of Maracaybo, Caracas, Cumana and Guayana were separated from the kingdom of Granada and organized as a captaincy-general under Manuel Antonio de Florez.

The influence of the French Revolution of 1789 was felt to such an extent in New Granada that but for the prompt and vigorous action of the viceroy, Ezpeleta, the beginning of the Spanish-American rebellion might have been anticipated by a number of years. The leaders in the agitation were seized and transported to Spain, where, without being tried, or even heard, they were sent to the galleys.

But this and all other remedies had only temporary effects. In the spring of 1810 the opponents of the Spanish authorities assumed a more determined attitude, and began to organize for action. In July the government of the viceroy was overthrown, and after his departure for Spain the supreme authority was vested in a council of thirty-seven members, divided into six sections, each of which was charged with one of the departments of government. But the provinces were not all equally eager for the change. While Cartagena, Socorro and Pamplona had even anticipated the action of the capital, Santa Marta, Pasto and others still held to Spain. In May Cartagena had formed a council, arrested the Governor, and sent him out of the country. The several provinces had no clear and definite plan or end in view, and acted without much reference to

one another; but on the twenty-ninth of July the councils that had been formed in Bogota invited the provinces to send representatives to the capital, one for each province, for the purpose of forming a provisional government, and of summoning a Congress which might act for the whole kingdom. The council of Cartagena desired that the representation in the proposed Congress should be in proportion to the population; and for the time being the plan for a general government was defeated by the diverse and immature views of the different provinces. Finally, however, on the twenty-fifth of December, 1810, the first Congress of the United Provinces was assembled at Bogota. Its action helped to emphasize the immaturity and vagueness in the views of the members. It decreed a Constitution "which created the Republic of Cundinamarca, at the same time accepting the king of Spain as its recognized chief, with a president elected by the Congress, but who should govern in the name of the King. Ferdinand VII was then recognized, and the Congress elected a president and vice-president empowered to govern for him." Both the president and the vice-president took possession of their offices in 1811, and resigned them the same year on account of the difficulties which they encountered in attempting to organize a government. The conflict between the advocates of federation and centralization was the most conspicuous hindrance to progress in the cause of independence. It was in one sense a struggle between the capital, which wished to dominate, and the provinces, which wished the largest measure of freedom. The Constitution of the Republic of Cundinamarca was a recognition of the federal form, but its adoption did not put an end to the activity of the centralists. Antonio Narino was their leader, and his efforts were not always without a strong personal motive. He had intrigued for the resignation of the president, and he wished to form a great centralized State, with himself at the head, and Bogota as the capital. But in spite of Narino's strong advocacy of centralization, the deputies of the provinces held firmly to the federal system. There was still no effective government. Narino was persistently opposed to the federal Congress, and the province of Cundinamarca, where his influence was dominant, was never by its will incorporated into the union. But "after many fruitless negotiations and three wars between Cundinamarca and the provinces represented in the Congress, the incorporation was effected by force in December, 1814, as a result of the campaign of Bolivar, General of the union, against Bogota, which surrendered." As long as the centralists held the upper hand in Cundinamarca, it was found convenient for the Congress to reside in the city of Tunja, but in 1815, after the victory of the federalists, it was transferred to Bogota. Of the important governmental changes effected by the Congress three are conspicuous: (1) that of October 28, 1812, which separated the executive power from the Congress, and intrusted it to the president of that body; (2) that of September 23, 1814, which combined the departments of war and finance, conferred the executive power on a triumvirate, and suspended the legislative powers of the provisional governments; (3) that of November 15, 1815, which placed the executive power in the hands of a dictator for six months.

In the meantime the declaration of complete independence had been issued (1813), but the party of liberty was unable to maintain this inde-

pendence in fact. Bogota fell into the hands of the Spanish party, the liberal army was practically annihilated, and a reign of terror followed. Finally, in 1819, Bolivar, with an army composed largely of foreign auxiliaries, crossed the mountains from Venezuela and brought the desired relief to the patriots of Colombia. The complete victory of the Generals, Santander and Anzoategui, put an end to the reign of terror and revived the republic, but not until seven thousand persons, belonging to the principal families of the kingdom, had been shot. The extension of the results of this victory over the neighboring regions was followed by the union of Venezuela and New Granada, and the establishment of the Republic of Colombia, December 17, 1819, under the following fundamental law:

"Article 1. The Republics of Venezuela and New Granada shall be from this day united in one, under the glorious title of the Republic of Colombia.

"Art. 2. Its territory shall be that which was embraced in the ancient captaincy-general of Venezuela and the viceroyalty of the New Kingdom of Granada, including an area of 115,000 square leagues, whose exact limits shall be fixed under more favorable circumstances.

"Art. 3. The debts which the two republics have contracted separately are recognized in solidum by this law as the national debt of Colombia, to the payment of which all the goods and properties of the State are pledged, and the most productive branches of the public revenue shall be destined.

"Art. 4. The executive power of the Republic shall be exercised by a president, and in his absence by a vice-president, both to be appointed provisionally by the present Congress.

"Art. 5. The Republic of Colombia shall be divided into three great departments, Venezuela, Quito and Cundinamarca, which shall comprehend the provinces of New Granada, which name from to-day shall be suppressed. The capitals of these departments shall be the cities of Caracas, Quito and Bogota, the addition of Santa Fe being rejected.

"Art. 6. Each department shall have a superior administration and a chief appointed, for the present, by this Congress, with the title of vice-president.

"Art. 7. A new city, which shall bear the name of the liberator, Bolivar, shall be the capital of the Republic of Colombia. Its plan and situation shall be determined by the first general Congress, with the view of adapting it to the necessities of the three departments, and to the greatness to which this opulent country is destined by nature.

"Art. 8. The General Congress of Colombia shall meet on the first of January, 1821, in the city of Rosario de Cucuta, which, all circumstances considered, appears to be the place best adapted for the purpose. Its summons shall be issued by the president of the Republic on the first of January, 1820, who shall communicate at the same time the regulation for the elections, which shall be formed by a special committee and approved by the present Congress.

"Art. 9. The Constitution of the Republic of Colombia shall be formed by its general Congress, to which shall be presented as a project that

which the present Congress has decreed, and which, with the laws given by the same, shall, by way of experiment, be put immediately into operation.

"Art. 10. The arms of the flag of Colombia shall be decreed by the General Congress; in the meantime the arms and the flag of Venezuela shall be used, as being better known.

"Art. 11. The present Congress shall take a recess on the fifteenth of January, 1820, it being necessary to proceed to new elections for the General Congress of Colombia.

"Art. 12. A committee of six members and a president shall remain in lieu of the Congress, with special attributes which shall be determined by a decree.

"Art. 13. The Republic of Colombia shall be solemnly proclaimed in the towns and in the armies, with festivals and public rejoicings, those in the capital to be carried out on the twenty-fifth of the present December in celebrating the birth of the Savior of the world, under whose patronage has been achieved this desired union, by which the State is to be regenerated.

"Art. 14. The anniversary of this political regeneration shall be celebrated perpetually with a national festival, in which, as those of Olympia, virtues and talents shall be rewarded.

"The present fundamental law of the Republic of Colombia shall be solemnly proclaimed in the towns and in the armies, inscribed in all the public registers, and deposited in all the archives of the chapters, municipalities and corporations, ecclesiastical as well as secular."

The General Congress met in accordance with the provisions of this law, only at a later date, May 6, 1821. It contained freely and legally elected deputies from twenty-two provinces. It reviewed the terms of the articles of union; and, as they were finally adopted, "they show that in the Congress the ideas of unity and centralization in the government had triumphed over federalism, preserving in the government, however, the democratic form which the Constitutions of Caracas and Guayana had given it." The Constitution which was formed by this Congress was proclaimed on the thirtieth of August. This Congress, moreover, decreed "the liberty of the sons of slaves born on the soil of the Republic; it accorded religious liberty to foreigners and their descendants; it suppressed the most unpopular taxes; it ordered the establishment of primary schools in all the villages and high schools in all the principal cities of the republic; and organized the political and judicial administration." But in view of the outrages of a barbarous war, and under the dominion of Bolivar's dictatorial authority, the Constitution and the laws were often silent and ignored.

In 1824 the victories of Junin and Ayacucho and the taking of Puerto Cabello ended the war of independence. The end of this war gave opportunity for the development of internal difficulties. The ideas of the federalists had become widely accepted, and they furnished the principles of a party in opposition to the existing Constitution and the centralist views and efforts of Bolivar. A convention was summoned to meet at Ocana for the purpose of amending the Constitution, which was opened on the seventh of August, 1828. "The federalists being there in the

majority, the deputies, who were partisans of Bolívar, withdrew without considering the great responsibility which they threw on their chief, who was naturally accused of having dissolved the convention. Bolívar was then declared dictator, but this attempt to carry out his ideas of a "strong" government had only an unhappy outcome. A conspiracy was formed against his life, and insurrections throughout the country revealed the hopelessness of dictatorial rule. Appreciating his inability to stay the ruin of the Republic Bolívar resigned the dictatorship and soon after died at Santa Marta, December 17, 1830.

In the period of confusion immediately preceding and following the death of Bolívar, the Republic of Colombia was broken up into smaller States. The departments of the south, Ecuador, Azuay and Guayas formed the Republic of Ecuador; those of the north, Orinoco, Venezuela, Apure and Zulia became the Republic of Venezuela; and those of the center, Boyaca, Cundinamarca, the Isthmus, Magdalena and Cauca were united in the Republic of New Granada. A convention which met in October, 1831, declared, by a vote of thirty-one to thirty, that "the provinces of the center of Colombia shall form a State with the name of New Granada, and it shall be constituted and organized by the present convention." In the meantime the Constitution which had been formed by the convention of 1830 was provisionally in force, but was superseded February 29, 1832, by that which organized the Republic of New Granada. In this Constitution the "essential and irrevocable sovereignty" of the nation was declared, and the public functionaries, with whatever authority clothed, were asserted to be the agents of the nation. The government was described to be "republican, popular, representative, elective, alternative, and responsible." The Congress was composed of two houses, the Senate and House of Representatives, meeting each year. The president and vice-president were elected by electoral assemblies for periods of four years. Provision was made for three secretaries, one for the interior and foreign relations, one for the treasury, and one for war and navy. The vice-president and the secretaries formed the cabinet, but the president was not obliged to follow their advice, there was also a Council of State, composed of seven councillors, appointed by Congress, but never more than one from any province at any given time. Justice was to be administered by a Supreme Court of Justice and the other tribunals which the law might establish. The territory of the Republic was divided into provinces, the provinces into cantons, and the cantons into parochial districts. There were at this time fifteen provinces: Antioquia, Barbacoas, Bogota, Cartagena, Cauca, Magdalena, Neiva, Panama, Pasto, Pamplona, Papayan, Socorro, Tunja, Valez and Veraguas. The chief magistrate of each province was a Governor dependent on the President of the Republic, and regarded as his immediate Constitutional agent. In each province, also, there was a provisional assembly composed of deputies from the cantons, who were elected for periods of two years.

From the beginning of the movement for independence a large number of the patriots had held to the federal state as their preferred model. About the middle of the century their demands for a change in the political organization were distinctly heard, and in 1858 the first federal Constitu-

tion was adopted. This Constitution recognized States that had been created by previous laws. Panama had come into existence by the law of February 27, 1855; Antioquia, by the law of June 11, 1856; Bolivar and Santander, by the law of May 13, 1857; Boyaca, Cauca, Cundinamarca and Magdalena, by the law of June 15, 1857. The federal State established by the Constitution of 1855 was called the Granadian Confederation. This government did not, however, give the country peace. While the civil war which followed its establishment still continued, the federalists "recognized General Mosquera as the supreme political and military authority." Under his rule Bogota became a federal district, the State of Tolima was created out of a part of the territory of Cundinamarca (April 12, 1861), Colombia became the name of the nation, and a congress of plenipotentiaries of the States was assembled. On the twentieth of September, 1861, this Congress formed the Compact of Union of the States. On the fourth of February, 1863, a National Convention met at Rionegro. This convention accepted the resignation of General Mosquera, and created a collegiate executive, composed of five ministers, "each of whom was to govern, with absolute independence of the others, the department over which he was placed." The Constitution formed by this convention was dated May 8, 1863. It adopted the name, United States of Colombia, which had been given in the Compact of Union of the States.

The federal Constitution of 1863 was clearly formed on the model of the Constitution of the United States of America. It remained in force until 1886, when it was superseded by a law which gave the State a centralized organization, and named it the Republic of Colombia.

# CONSTITUTION OF THE REPUBLIC OF COLOMBIA

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PREAMBLE.

In the name of God, the supreme source of all authority, the delegates of the Colombian States of Antioquia, Bolivar, Boyaca, Cauca, Cundinamarca, Magdalena, Panama, Santander, and Tolima, in national constituent convention assembled; in view of the approval given by the municipalities of Colombia to the basis of a Constitution on the first day of December, 1885, and with the object of strengthening the national unity and of insuring the benefits of justice, liberty and peace, have agreed to decree, and do hereby decree, the following Political Constitution of Colombia:

TITLE I.

*Of the Nation and its Territory.*

Article 1. The Colombian nation is reorganized as a centralized republic.

Art. 2. The sovereignty resides essentially and exclusively in the nation, and from it emanate the public powers which shall be exercised within the limits prescribed by this Constitution.

Art. 3. The boundaries of the Republic are the same as those which in 1810 separated the viceroyalty of New Granada from the captaincies-general of Venezuela and Guatemala, from the viceroyalty of Peru, and from the Portuguese possessions of Brazil; and provisionally with respect to Ecuador, those designated in the treaty of July 9, 1856.

The lines separating Colombia from contiguous nations shall be definitely fixed by public treaties, which may be negotiated without reference to the principle of *uti possedetis* recognized in 1810.

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Art. 4. The territory, together with the public property therein contained, belongs exclusively to the nation.

The sections which composed the Colombian Union, and were called States and national territories, shall continue to be parts of the territory of the Republic of Colombia, retaining their present limits under the name of departments.

All doubtful boundary lines shall be determined by commissions of surveyors appointed by the Senate.

The ancient national territories are hereby incorporated with the sections to which they originally belonged.

Art. 5. The law may decree the formation of new departments, by dividing those already existing, when this may have been asked for by four-fifths of the municipal councils of the territory to be embraced in the new department, subject always to the following conditions:

I. That the new department shall contain, at least, two hundred thousand inhabitants.

II. That the department or departments out of which the new one may be created shall each retain a population of at least two hundred and fifty thousand inhabitants.

III. The law creating the new department shall be enacted by two successive regular Legislatures.

Art. 6. The present limits of the departments shall not be changed except by a law enacted in the manner directed in the last clause of the preceding article.

Congress may, by means of a law enacted in the usual manner, and without the above-mentioned condition, separate the territories referred to in Article 4, and the islands, from the departments in which they are now incorporated or to which they have belonged, and dispose of them as it may deem proper.

Art. 7. Besides the general divisions of the territory, there shall be other divisions within the limits of each department for the regulation of the public service.

The divisions relating to finance, military affairs and public instruction shall not coincide with the general divisions.

### TITLE II.

#### *Of the Inhabitants — Native and Foreign.*

Art. 8. Colombian citizens are:

I. By birth: Those who are citizens of Colombia under one of the two following conditions: That the father or the mother may

also have been a citizen of Colombia, or that, being children of foreigners, they are domiciled in the Republic.

The legitimate children of a Colombian father and mother who may have been born in a foreign country and soon after became domiciled in the Republic, shall be considered Colombians by birth for the purposes of the laws which require this qualification.

II. Origin or residence: Those who are born in a foreign country of a Colombian father or mother, and are domiciled in the Republic, and all Spanish-Americans who, before the municipal authorities of the place where they reside, may request to be inscribed as Colombians.

III. By adoption: Foreigners who apply for and obtain letters of naturalization.

Art. 9. The status of Colombian citizen is forfeited by obtaining letters of naturalization in a foreign country and fixing a residence in it; and it may be recovered under laws enacted for that purpose.

Art. 10. It is the duty of all citizens and foreigners in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

Art. 11. Foreigners shall enjoy in Colombia the same rights that are conceded to Colombians by the laws of the nation to which the foreigner belongs, except those which are stipulated in public treaties.

Art. 12. The law shall define the condition of resident foreigners, and the special rights and obligations of those who find themselves in this condition.

Art. 13. Any Colombian, although he may have lost his citizenship, who may be taken with arms in his hands in war against Colombia, shall be tried and punished as a traitor.

Naturalized foreigners, and those residing in Colombia, shall not be obliged to bear arms against the country of their birth.

Art. 14. Societies and corporations which in Colombia are recognized as artificial persons, shall have no other rights than those accorded to natural persons who are Colombians.

Art. 15. All male Colombians more than twenty-one years of age, who exercise a profession, art or trade, or have a lawful occupation or other legitimate and known means of support, are citizens.

Art. 16. Citizenship is lost when nationality is lost. He also loses the quality of citizenship who is found in one of the following cases, judicially declared:

I. Having engaged in the service of a nation at war with Colombia.

II. Having belonged to a faction in rebellion against the government of a friendly nation.

III. Having been condemned to suffer corporal punishment.

IV. Having been removed from public office by means of a criminal judgment, or of an act affecting his civil responsibility.

V. Having committed acts of violence, falsehood or corruption in elections.

All persons who may have lost their citizenship may petition the Senate for restoration.

Art. 17. The exercise of the rights of citizenship is suspended:

For notorious mental aberration;

For judicial interdiction;

For habitual drunkenness;

For charges pending criminal proceedings, and after the issue of a warrant of arrest.

Art. 18. The quality of active citizenship is an indispensable condition precedent to the exercise of the right of voting, and of holding any public office of authority or power.

### TITLE III.

#### *Of Civil Rights and Society Guarantees.*

Art. 19. The authorities of the Republic are established to protect all persons residing in Colombia in their lives, honor and property, and to secure the mutual respect of national rights, preventing and punishing crimes.

Art. 20. Private persons are not answerable to the authorities except for violations of the Constitution or the laws. Public officers are answerable in the same manner, as well as for exceeding their powers and for failing to execute them.

Art. 21. In case of a manifest violation of a constitutional provision to the injury of any person, the order of a superior shall not exempt from responsibility the agent who may execute it.

The soldiers in actual service are exempted from this provision. With respect to them, the responsibility shall devolve only on the superior who gives the order.

Art. 22. There shall be no slaves in Colombia. Any person being a slave, who shall enter the territory of the Republic, shall be free.

Art. 23. No one shall be molested in his person or family, nor imprisoned, nor arrested, nor shall his domicile be searched, except upon a written warrant from competent authority, issued with all legal formalities, and for an offense previously defined by law.

In no case shall there be detention, imprisonment, or arrest for debts and obligations purely civil, except by judicial order.

Art. 24. He who is taken in the actual commission of an offense may be arrested and carried before the judge by any person. If the police pursue him and he take refuge in his own dwelling, they may enter therein for the purpose of arresting him; and if he seek asylum in the dwelling of another person, requisition for him should be previously made to the owner or tenant thereof.

Art. 25. No person shall be obliged in criminal or police proceedings to testify against himself or against his relatives within the fourth civil degree of consanguinity or the second degree of affinity.

Art. 26. No person shall be tried except in conformity with laws enacted prior to the commission of the offense with which he is charged, before a competent tribunal, and under all the forms of the law in each case provided. In criminal matters, the lenient or favorable law, even when enacted after the commission of the offense charged, shall be applied in preference to the restrictive or unfavorable law.

Art. 27. The preceding provision does not prevent punishment being administered without previous trial in the cases and within the precise limits which the law shall indicate:

I. By those officers exercising authority or jurisdiction, who may punish with fines or imprisonment any person who injures them, or who is wanting in respect toward them in the discharge of their official duties.

II. By military superiors, who may inflict instant punishment in order to subdue insubordination or a military mutiny, or to maintain discipline in the presence of the enemy.

III. By captains of vessels, who, not being in port, have the same power to repress the commission of crimes on board.

Art. 28. Even in time of war, no person shall be punished *ex post facto*, but only according to the law, order, or decree in

which the act shall have been previously prohibited and the punishment prescribed for its commission.

This provision shall not prevent that, even in time of peace, there being serious reasons to fear a disturbance of the public order, persons against whom there are grave suspicions that they have attempted to commit a crime against the public peace may be arrested and retained upon the order of the government and the previous judgment of the ministers.

Art. 29. The Legislature shall only prescribe death as a punishment for the cases which are defined as the gravest, the following crimes judiciously proven, to wit: Treason to one's country in a foreign war, parricide, assassination, arson, assault in a gang of malefactors, piracy, and certain military crimes defined by the military laws.

At no time shall the death penalty be inflicted except in the cases provided in this article.

Art. 30. There shall be no penalty of death for political offenses. These shall be defined by law.

Art. 31. Rights acquired by natural and artificial persons, under a just title and according to the civil laws, shall not be disavowed by laws enacted subsequently.

When from the application of a law enacted for the public welfare there would result a conflict between private interests and the need recognized by the law itself, the private interest shall yield to the public interest. But for the expropriations which it may be necessary to make there shall be required full indemnity, in accordance with the following article.

Art. 32. In time of peace no person shall be deprived of his property wholly or in part, except as a punishment, or judicial compulsion, or indemnity, or general contribution, in accordance with law.

For grave reasons of public utility, to be defined by the Legislature, forcible alienation of property may take place, by means of a judicial mandate, and the owner of the property shall be indemnified for its value before the expropriation is confirmed.

Art. 33. In case of war, and solely for the purpose of effecting the restoration of public order, the necessity for expropriation may be decreed by authorities not invested with judicial power, and without previous indemnification.

In the above-mentioned case immovable property alone shall be temporarily occupied, either to meet the necessities of the war,

or to use for this purpose its products, as a pecuniary penalty imposed upon its owners in accordance with the laws.

The nation shall always be responsible for the expropriations made by the government or by its agents.

Art. 34. The punishment of confiscation shall not be imposed.

Art. 35. Inventions and literary compositions shall be protected like movable property during the lifetime of the author and for eighty years thereafter, by means of formalities which the law shall prescribe.

The same guaranty shall be offered to the owners of works published in countries where the Spanish language is spoken, provided that the respective nation reciprocate the provision in its legislation without the necessity of declaring it through international treaties.

Art. 36. The purpose of donations inter vivos, or by testament made in conformity with the law, for objects of charity and public instruction, shall not be diverted or modified by the Legislature.

Art. 37. In Colombia there shall be no real estate that may not be transferred freely, nor shall there be any irredeemable obligations.

Art. 38. The Roman Catholic Apostolic religion shall be the religion of the nation; the public authorities shall protect it, and cause it to be respected as an essential element of the social order.

It is understood that the Catholic church is not and shall not be an established church, and it shall preserve its independence.

Art. 39. No person shall be molested on account of his religious opinions, nor compelled by the authorities to profess tenets, nor to observe practices, contrary to his convictions.

Art. 40. The exercise of all forms of worship, not opposed to Christian morals or the law, is permitted.

All acts opposed to Christian morals, or subversive of the public order, which may be performed on the occasion of, or as a pretext for the exercise of religious worship, shall be subject to punishment by law.

Art. 41. Public education shall be organized and directed in accordance with the Catholic religion.

Primary instruction paid for out of the public funds shall be gratuitous, and not compulsory.

Art. 42. The press shall be free in time of peace; but responsible, under the laws, for injuries to personal honor, and for disturbance of the social order or the public tranquillity.

No periodical publication shall, without the permission of this government, receive pecuniary aid from other governments or from foreign companies.

Art. 43. All correspondence confided to telegraph companies and the post-offices shall be inviolable. Letters and private papers shall not be intercepted or examined, except by authority, under the order of a competent officer in such cases and with such formalities as the law may establish, and for the sole purpose of procuring testimony in judicial investigations.

The circulation of printed matter through the post-offices may be taxed, but shall never be prohibited in time of peace.

Art. 44. Any person may pursue any honorable trade or occupation without the necessity of belonging to any guild or other association.

The authorities shall inspect all industries or professions in their relation to morals, society and public health.

The law may exact proofs of competency for the practice of the medical profession and its branches.

Art. 45. Any person shall have the right to present respectful petitions to the authorities, whether for reasons of general or of private interests, and to secure prompt attention.

Art. 46. All classes of persons may meet in peaceful assemblies. The authorities may disperse any assembly that degenerates into disorder or tumult, or that obstructs the public roads.

Art. 47. The formations of companies or associations, either public or private, which are not opposed to morality or the legal order, shall be permitted.

All popular political organizations of a permanent character shall be prohibited.

✓ All religious associations, in order that they may remain under the protection of the laws, shall present to the civil authority authorization issued by their respective ecclesiastical superiors.

Art. 48. The government alone shall import, manufacture and own arms and munitions of war.

No person shall be permitted to carry arms in towns without permission from the authorities. This permission shall in no case be given to persons attending political meetings, or elections, or sessions of assemblies, or public corporations, whether it be to participate in them, or to be present as spectators only.

Art. 49. Legitimate and public corporations shall have the right to be recognized as artificial persons, and to execute in

virtue thereof civil acts, and to enjoy the guarantees assured by this title, under such general limitations as the laws may establish for the sake of the common good.

Art. 50. The laws shall determine the civil status of all persons, and their consequent rights and duties.

Art. 51. The laws shall determine the responsibility to be incurred by public officers of all classes who infringe the rights guaranteed by this title.

Art. 52. The provisions contained in the present title shall be incorporated in the Civil Code as a preliminary title, and shall not be altered except by an act amending the Constitution.

#### TITLE IV.

##### *Of the Relations between Church and State.*

Art. 53. The Catholic Church shall have power, in Colombia, to administer freely its internal affairs and to perform acts of spiritual authority and of ecclesiastical jurisdiction without the necessity of authorization from the civil power; and, as an artificial person, represented in each diocese by its respective legitimate prelate, shall also have power to perform civil acts in virtue of rights recognized by the present Constitution.

Art. 54. Priestly functions are incompatible with those of public political office. Catholic priests may, nevertheless, be employed in works of public instruction or charity.

Art. 55. Edifices intended for Catholic worship, seminaries for religious instruction, and the residences of bishops and parish priests, shall not be taxed, nor occupied for other purpose than that for which they were destined.

Art. 56. The Government shall have power to negotiate agreements with the Holy Apostolic See with a view to the adjustment of pending questions, and to define the relations between the civil and the ecclesiastical powers.

#### TITLE V.

##### *Of the National Powers and the Public Service.*

Art. 57. All public authorities shall be limited, and shall perform their respective functions independently.

Art. 58. The law-making power shall be vested in a Congress. The Congress shall be composed of a Senate and a House of Representatives.

Art. 59. The President of the Republic is the chief of the executive power, and he shall exercise it with the indispensable

co-operation of the ministers. The President and the ministers, and in each particular transaction the president, with the ministers of the respective department, shall constitute the Government.

Art. 60. The judicial power shall be exercised by a Supreme Court, by superior district tribunals, and by such other tribunals and inferior courts as may be established by law.

The Senate shall exercise certain judicial powers.

Art. 61. No person or corporation shall, in time of peace, exercise, at the same time, patriotic or civil and judicial or military authority.

Art. 62. The law shall determine the special cases of incompatibility of functions; the cases of the incompatibility of public offices and the manner of making it effective; the qualifications and antecedents necessary for the exercise of certain employments, in cases not provided for by the Constitution, the conditions of promotion and retirement on pension; and the series or class of civil or military services that shall entitle to pensions from the public treasury.

Art. 63. There shall be no officer in Colombia whose duties are not defined by law or regulation.

Art. 64. No person shall receive two salaries from the public treasury, except in special cases determined by law.

Art. 65. No public officer shall enter upon the discharge of his office until he shall have sworn to maintain and defend the Constitution, and to perform the duties which are incumbent upon him.

Art. 66. No Colombian who is in the service of Colombia, shall, without the permission of his government, accept from any foreign government any office or gift, under penalty of forfeiting his employment.

Art. 67. No Colombian shall accept from a foreign government any employment or commission near the government of Colombia, without having previously obtained from the latter the necessary authorization.

#### TITLE VI.

##### *Of the Assembling and Functions of Congress.*

Art. 68. The two houses of the Legislature shall meet in ordinary session by virtue of law every two years, on the twentieth of July, in the capital of the Republic.

The ordinary sessions shall continue one hundred and twenty days, after which the Government may declare the houses adjourned.

Art. 69. The two houses shall be opened and closed publicly, and at the same time.

Art. 70. The houses shall not open their sessions nor deliberate with less than one-third of their members.

The President of the Republic in person, or through his ministers, shall open and close the houses.

This ceremony is not essential in order that Congress may legitimately exercise its functions.

Art. 71. When, on the arrival of the day for assembling, the houses may not be opened because of the want of the necessary number of members, those present, sitting as a preparatory or provisional council, shall impose on the absent members such fines as may be prescribed by the two houses respectively; and the sessions shall be opened as soon as the requisite number of members shall be present.

Art. 72. Congress shall meet in extra session when summoned by the Government. In extra sessions only such business shall be considered as the Government may submit for consideration.

Art. 73. By mutual agreement of the two houses, Congress may assemble in a place different from the capital, and, in case of disturbance of the public order, it may assemble in a place designated by the president of the Senate.

Art. 74. The two houses of Congress shall meet as one body only for the purpose of installing the President of the Republic, and to perform the act prescribed in Article 77.

On such occasions the president of the Senate and the president of the House of Representatives shall be, respectively, the president and vice-president of Congress.

Art. 75. All meetings of members of Congress, which, for the purpose of exercising the legislative power, are held without observing the conditions prescribed by the Constitution, shall be illegal; their acts shall be null; and the members who participate in the deliberation shall be punished according to law.

Art. 76. Congress shall make the laws.

By means of these laws it exercises the following functions:

I. To interpret, amend, and repeal pre-existing laws,

II. To modify the general divisions of the territory in accordance with Articles 5 and 6, and to establish and reform, whenever proper, the other territorial divisions defined in Article 7.

III. To confer special powers upon the department assemblies.

IV. To regulate the administration of Panama.

V. To change, under extraordinary circumstances and for grave reasons of public convenience, the actual residence of the high national officers.

VI. To organize and provide for the standing army every two years in ordinary session.

VII. To create all the offices required by the public service, and to fix their respective salaries.

VIII. To regulate the public service, determining all matters referred to in Article 62.

IX. To authorize the Government to make contracts, negotiate loans, alienate national property, and exercise other functions within constitutional limits.

X. To invest the President of the Republic temporarily with such extraordinary powers as necessity may require or the public convenience demand.

XI. To provide for the national revenues, and to determine the expenses of the administration.

Each Legislature shall vote a general budget.

In the budget shall not be included any item not previously decreed by law nor credit not judicially recognized.

XII. To recognize the national debt and provide for its payment.

XIII. To decree extraordinary expenses whenever necessity requires it.

XIV. To approve or reject contracts or agreements entered into by the President of the Republic with private persons, companies or political corporations, in which the national treasury is interested, if they have not been previously authorized, or if the formalities prescribed by Congress have not been complied with, or if any conditions contained in the law authorizing them have been disregarded.

XV. To determine the alloy, the weight, impress and denomination of coins, and to regulate the system of weights and measures.

XVI. To organize the public credit.

XVII. To decree the execution or continuance of public works and the erection of public monuments.

XVIII. To favor useful or beneficial enterprises which may be deemed worthy of encouragement or support.

XIX. To decree public honors to such citizens as may have rendered distinguished services to the country.

XX. To approve or reject treaties entered into by the Government with foreign powers.

XXI. To grant, by a vote of two-thirds of the members of each house, and for grave considerations of the public good, amnesties and general pardons for political offenses. In case the recipient of such amnesty or pardon is thereby relieved from civil responsibility to any person, the Government shall assume the burden of indemnifying such person.

XXII. To limit or regulate the appropriation or conveying of public lands.

Art. 77. Congress shall elect at its ordinary sessions and for a term of two years, the person who shall exercise the executive power in default of both president or vice-president.

Art. 78. Neither the Congress nor either house thereof is permitted:

I. To direct appeals to public officers.

II. To enact laws or adopt resolutions concerning matters which are exclusively intrusted to other departments of the Government.

III. To vote approval or censure of any official act.

IV. To require the Government to communicate to it the instructions given to diplomatic agents, or to give information relative to negotiations of a private character.

V. To decree to any person any reward, indemnification, pension, or other pecuniary consideration which is not intended to satisfy credits or rights recognized by existing laws, except in the case provided in Article 76, Section XVIII.

VI. To enact laws of proscription or prosecution against persons or corporations.

## TITLE VII

### *Of the enactment of Laws.*

Art. 79. Laws may originate in either house on the initiative of its respective members or of the ministers of the Government.

Art. 80. Laws of the following classes shall be excepted from the provision of the preceding article:

I. Such laws as must originate only in the House of Representatives (Article 102, Section II).

II. Such laws as relate to civil matters and to judicial proceedings, which can only be amended by bills presented by special permanent committees of either house and by ministers of the Government.

Art. 81. No legislative act shall become a law unless:

I. It shall have passed three readings and been adopted in each house, on three different days, by a majority of the members thereof.

II. It shall have obtained the approval of the Government.

Art. 82. The consideration of a law shall not be closed on its second reading, nor shall it be voted on its third reading, without the presence of an absolute majority of the members who compose the house.

Art. 83. The Government, by means of its ministers, may take part in legislative debates.

Art. 84. The judges of the Supreme Court shall be entitled to be heard in the discussion of bills relating to civil matters and judicial procedure.

Art. 85. After a bill shall have passed both house, it shall be sent to the Government, and if approved by the Government, it shall be promulgated as a law.

Art. 86. The President of the Republic shall be allowed the term of six days within which to return a bill with objections, provided it does not contain more than fifty articles; he shall be allowed ten days when the bill contains from fifty-one to two hundred articles, and fifteen days when the bill contains more than two hundred articles.

If the President shall not have returned the bill with objections within the term prescribed therefor, he shall approve and promulgate it. But if the houses should adjourn within the above-mentioned terms, the President shall be obliged to publish the bill, approved or rejected, within ten days after the adjournment of the Congress.

Art. 87. A bill objected to as a whole by the President shall be returned by him to the house for a third reading. If it shall have been objected to only in part, it shall be placed upon its second reading with the sole object of considering the objections of the Government.

Art. 88. The President of the Republic shall approve, without power to present new objections, any bill which shall have been reconsidered and adopted by two-thirds of the members in each house.

Art. 89. If the Government shall fail to approve the bills under the terms and according to the conditions established by this title, the president of the Congress shall approve and promulgate them.

Art. 90. If a bill should be objected to on the ground that it is unconstitutional, it shall be excepted from the provision of Article 88. In this case, if the house insist, the bill shall pass to the Supreme Court, in order that this body, within six days, may decide upon its constitutionality. If the decision of the court should be favorable to the bill, the President shall give it his approval. If the decision should be unfavorable, the bill shall fail and be removed from the calendar.

Art. 91. Bills left pending on adjournment of the sessions of one year shall not be considered except as new bills in another Legislature.

Art. 92. The enacting clause of all laws shall be: "The Congress of Colombia decrees:"

## TITLE VIII.

### *Of the Senate.*

Art. 93. The Senate shall be composed of three Senators from each department.

Two substitutes shall be elected for each Senator.

Art. 94. Senators shall be native Colombians and in the full enjoyment of their citizenship; they shall be more than thirty years of age, and in the enjoyment of an annual income of at least two thousand and two hundred dollars, derived from property or the pursuit of an honorable occupation.

Art. 95. Senators shall be elected for the term of six years, and are re-eligible indefinitely.

The Senate shall be renewed by thirds of its members in the manner which the law may determine.

Art. 96. The Senate shall try all impeachments of public officers referred to in Article 102, Section IV., which may be presented by the House of Representatives.

Art. 97. In all trials by the Senate the following rules must be observed:

I. Whenever an accusation is publicly made, the accused shall be, ipso facto, suspended from his office.

II. If the accused be charged with offenses committed during the performance of his public duties, or with unfitness on account of misconduct, the Senate shall not have power to impose any other penalty than removal from office, or the temporary deprivation or permanent loss of political rights; but if the accused be charged with offenses which merit other penalties, he shall be tried under criminal proceedings in the Supreme Court.

III. If the accused be charged with a common crime, the Senate shall be limited to declaring whether there are grounds for proceedings against him, and in case of an affirmative decision, it shall remand him to the Supreme Court for trial.

IV. The Senate may refer the preparation of each trial to a committee of its own body, reserving to itself the judgment and final sentence, which shall be pronounced in open session by two-thirds, at least, of the Senators who engage in the trial.

Art. 98. The Senate shall also be invested with the following powers:

I. To reinstate those who have forfeited their citizenship. This act of clemency, according to the case and circumstances of him who solicits it, shall have reference only to electoral rights, or also to the capacity to fill determined public offices, or jointly to the exercise of all political rights.

II. To appoint two members of the Council of State.

III. To accept or decline the resignations of the president or vice-president or the designato.

IV. To confirm or reject nominations made by the President of the Republic of judges of the Supreme Court.

V. To confirm or reject the military appointments made by the Government, from the rank of lieutenant-colonel to that of the highest offices in the army and navy.

VI. To grant leave to the President of the Republic to be temporarily absent from the capital for other cause than sickness, or to exercise his functions outside of the capital.

VII. To permit the passage of foreign troops through the territory of the Republic.

VIII. To appoint the commissioners referred to in Article 4.

IX. To authorize the Government to declare war against another nation.

## TITLE IX.

### *Of the House of Representatives.*

Art. 99. The House of Representatives shall consist of one member for every fifty thousand inhabitants of the Republic. Two substitutes shall be elected for each Representative.

Art. 100. To be eligible to the position of Representative, it is required that a person be a citizen in the full exercise of the rights of citizenship, that he be more than twenty-five years of age, and that he may not have been condemned for an offense punishable with corporal punishment.

Art. 101. Representatives shall be elected for the term of four years, and they shall be re-eligible indefinitely.

Art. 102. The House of Representatives shall have the following powers:

I. To examine and pronounce finally upon the general accounts of the treasury.

II. To organize all laws for the levying of taxes and for the organization of the public ministry.

III. To appoint two councilors of State.

IV. To impeach before the Senate, whenever there may be just cause, the President and Vice-President of the Republic, the ministers of the cabinet, the councilors of State, the Attorney-General of the nation, and the judges of the Supreme Court.

V. To examine charges and complaints presented to it by the Attorney-General, or by private persons, against any of the above-named public officers, except the President and the Vice-President, and, if found proper, to base on them impeachment before the Senate.

## TITLE X.

### *Provisions Common to both Houses and to the Members thereof.*

Art. 103. Each of the two houses shall have the following powers:

I. To make regulations for the government of its own body, and to establish the necessary preventive and coercive measures to insure the attendance of its members.

II. To create and provide for the offices necessary for the discharge of its business.

III. To organize, when necessary, a police force for the building in which it holds its sessions.

IV. To determine whether the credentials which each member has to present on taking possession of his seat are in the form prescribed by the law.

V. To answer or not the message of the Government.

VI. To call upon the ministers for written or verbal information which may be necessary for the better discharge of their business, or to inform themselves of the acts of the administration, except as provided in Article 78, Section IV.

VII. To appoint commissioners to represent them in official acts.

VIII. To appoint speakers before the other house, in case of disagreement in the formation of a law.

IX. To approve all the resolutions that may be deemed proper within the limits prescribed in Article 78.

Art. 104. The sessions of the house shall be public, within the limitations prescribed by law.

Art. 105. The members of both houses represent the whole nation, and should vote in the sole interest of justice and the public good.

Art. 106. The Senators and Representatives shall not be held responsible for their opinions and votes given in the discharge of their duties. For any expression in debate they shall be alone responsible to the house to which they belong; they must be called to order by the presiding officer and punished in accordance with the regulations for any offense committed.

Art. 107. During the session of Congress, and for forty days before their opening, no member of the Congress shall be brought to a civil or criminal trial without the permission of the house to which he belongs. In case of being discovered in the actual commission of an offense, the delinquent may be arrested and shall be placed immediately at the disposal of the house to which he belongs.

Art. 108. The President and Vice-President of the Republic, the ministers of the cabinet and the councilors of State, the judges of the Supreme Court, the Attorney-General of the nation and the Governors shall not be elected members of Congress until six months after they shall have ceased to perform the duties of their respective offices.

Moreover, no person shall be Senator or Representative for any department or electoral district in which, three months prior to the election, he may have exercised civil, political or military jurisdiction or authority.

Art. 109. The President of the Republic shall not have power to appoint Senators and Representatives to any office during their respective terms, nor for one year after the expiration thereof, except the office of minister of the cabinet, councilor of State, Governor, diplomatic agent, and military chief in time of war.

The acceptance of any of these offices by a member of Congress shall render vacant the seat of such member.

Art. 110. Senators and Representatives shall not, either directly or through a third person, make any contracts with the administration, nor shall they accept from any person the power of attorney for the negotiation of any business with the government of Colombia.

Art. III. Whenever any Senator or Representative shall vacate his seat, and it shall be filled by his substitute, the former shall be entitled to the traveling expenses to the capital, and the latter to the traveling expenses to his domicile.

Art. 112. No increase in the per diem pay of the members nor in their traveling expenses decreed by Congress, shall go into effect until after the members of the Legislature in which it was voted shall have ceased to perform their functions.

Art. 113. In case of the temporary or permanent absence of a member of Congress, the vacancy shall be filled by his substitute.

## TITLE XI.

### *Of the President and Vice-President of the Republic.*

Art. 114. The President of the Republic shall be elected for a term of six years by the electoral assemblies, voting on the same day, and in the manner determined by law.

Art. 115. The President of the Republic shall possess the same qualifications as a Senator.

Art. 116. The President-elect of the Republic shall take possession of his office in the presence of the president of the Congress, and shall take the following oath: "I swear before God to comply faithfully with the Constitution and laws of Colombia."

Art. 117. If, for any reason, the President should not be able to take possession of his office in the presence of the president of the Congress, he shall do so before the president of the Supreme Court, and failing in this, before two witnesses.

Art. 118. The President of the Republic shall exercise the following powers in relation to the legislative department:

- I. To open and close the ordinary sessions of Congress.
- II. To convene Congress in extraordinary sessions for serious reasons of public convenience and after previous consultation with the council of State.
- III. To present to Congress at the beginning of each Legislature a message on the acts of the administration.
- IV. To send at the same time to the House of Representatives the budget of the revenues and expenses, and a general account of the budget and the treasury.
- V. To give to the houses of the Legislature such information as they may call for on affairs not requiring secrecy.
- VI. To furnish efficient aid to the houses when they demand it, placing at their disposal, if necessary, the public force.
- VII. To co-operate in the enactment of laws, by presenting bills through the medium of the ministers, exercising the right to veto legislative acts, and complying with the duty to approve them, in accordance with this Constitution.
- VIII. To issue decrees that shall have the force of legislative enactments, in such cases and with such formalities as are prescribed in Article 121.

Art. 119. The President of the Republic shall exercise the following powers in relation to the judiciary department:

- I. To appoint the judges of the Supreme Court.
- II. To appoint the judges of the superior tribunals, each one from a list of three nominations made by the Supreme Court.
- III. To appoint and remove the public ministers.
- IV. To see that prompt and full justice is administered throughout the Republic, furnishing the judicial officers, under the provisions of the law, with such aid as may be necessary for the enforcement of their decrees.
- V. To cause to be accused before a competent tribunal, through the respective agent of the public ministry, or by a special attorney appointed for the purpose, the governor of department or any other national or municipal officers exercising administrative or judicial duties, for any violation of the Constitution or the laws, or for other offenses committed in the exercise of their functions.
- VI. To commute the sentence of death, with the previous consent of the council of State, for the punishment next inferior in the penal scale, and to grant pardons for political offenses and commutations of sentence for common offenses, in accordance

with the laws which regulate the exercise of this power. In no case shall these pardons or commutations include the responsibility under which the beneficiaries are with respect to private persons, according to the laws.

He shall not exercise this last prerogative with respect to the ministers of the cabinet, except on a petition from one of the houses of Congress.

Art. 120. The President of the Republic, as the chief executive officer of the nation, shall exercise the following power:

I. To appoint and remove, at his pleasure, the ministers of the cabinet.

II. To promulgate the laws, to obey them, and to see that they are faithfully executed.

III. To exercise his general executive power by issuing orders, decrees and resolutions necessary to the complete execution of the laws.

IV. To appoint and remove, at his pleasure, the Governors.

V. To appoint two councilors of State.

VI. To appoint all persons in the national service whose appointments does not belong to other officers or corporations, according to this Constitution or laws to be hereafter enacted.

In all cases the President shall have power to appoint and remove his agents at his pleasure.

VII. To control the public force and to confer military appointments, under the restrictions imposed in Section V of Article 98, and with the formalities established by law for regulating the exercise of this power.

VII. To preserve public order throughout the territory, and to re-establish it if it should be disturbed.

IX. To direct, whenever he may think proper, the military operations as chief of the armies of the Republic. If he should personally exercise the military command outside of the limits of the capital, the Vice-President shall then be charged with the other duties of the executive office.

X. To direct diplomatic and commercial relations with other powers and sovereigns, to appoint at his pleasure and receive the respective agents, and to negotiate treaties and conventions with foreign powers.

All treaties shall be submitted for the approval of Congress, and the conventions shall be approved by the President, in the recess of the House, a favorable judgment of the Ministers of the Council of State having been previously obtained.

**XI.** To provide for the external safety of the Republic, defending the independence and honor of the nation and the inviolability of the territory; to declare war, with the consent of the Senate, or to make it without such consent, whenever it shall be necessary to repel a foreign invasion; and to conclude and ratify treaties of peace, reporting his proceeding afterward with documents to the next Legislature.

**XII.** To permit, in the recess of the Senate, and having previously consulted the Council of State, the passage of foreign troops across the territory of the Republic.

**XIII.** To permit, after consulting the Council of State, the harboring of foreign vessels of war within the waters of the nation.

**XIV.** To supervise the strict collection and administration of the revenues and public funds, and to decree their disbursement according to law.

**XV.** To regulate, direct and inspect the national public instruction.

**XVI.** To enter into administrative contracts for the engagement of services and for the execution of public works in accordance with the fiscal laws and the obligation to render an account to Congress in its ordinary sessions.

**XVII.** To organize the national bank, and to exercise the necessary inspection over the banks of emission and other establishments of credit, in conformity with the laws.

**XVIII.** To permit the acceptance, by the national employes who may request it, of offices or gifts from foreign governments.

**XIX.** To issue letters of naturalization, in conformity with the laws.

**XX.** To grant patents, for prescribed periods, to the authors of useful inventions and improvements, in accordance with the laws.

**XXI.** To exercise the right of inspection and supervision over institutions of common utility, in order that their revenues may be preserved and properly applied, and that in all its essentials the will of the founders may be carried out.

**Art. 121.** In case of foreign war or of civil commotion the President may, after consultation with the Council of State, and with the written consent of all the ministers, declare the public order to be disturbed, and the whole or a part of the Republic in a state of siege.

After such declaration the President shall be invested with the powers which the laws confer upon him to defend the rights of the nation or to repress disturbance, and, in case the laws are defective, he shall use the powers conferred by the law of nations. The extraordinary means or legislative decrees of a provisional character which, within the said limits, the President may ordain, shall be obligatory, provided they bear the signatures of all the ministers.

The government shall declare the public order re-established as soon as the commotion or foreign danger shall have ceased; and the President shall send to Congress a statement of the reasons that induced his measures. All officers shall be responsible for the abuses which may have been committed in the exercise of extraordinary powers.

Art. 122. The President of the Republic, or whosoever shall exercise the executive power in his stead, shall be responsible only in the following cases which the law shall define:

I. For acts of violence or coercion at elections.

II. For acts which may prevent the constitutional assembling of the legislative houses, or may obstruct them or other public corporations or authorities established by this Constitution, in the exercise of their functions.

III. For acts of high treason.

In the first two cases the penalty shall be only removal from office, and if the President shall have ceased to exercise the functions of this office he shall not be re-eligible to the presidency.

No act of the President, except the appointment or removal of ministers, shall be valid and binding until it shall have been signed and promulgated by the minister to whose department it refers, who by this act becomes responsible.

Art. 123. The Senate may grant to the President a temporary leave of absence from the executive office.

The President may, on account of ill health, retire, for the time necessary to its restoration, from the exercise of the executive power, by giving previous notice to the Senate, or, in recess of the Senate, to the Supreme Court.

Art. 124. The Vice-President of the Republic shall perform the duties of the executive office during the temporary absence of the President.

In case of the permanent absence of the President the Vice-President shall occupy the executive office until the expiration of the term for which he was elected.

The death or accepted resignation of the President shall be the only cases of permanent absence.

Art. 125. Whenever, in the absence of the President, the Vice-President, for any reason whatsoever, shall not be able to discharge the duty of the presidency, they shall be performed by the *designado* elected by Congress for each period of two years.

When, for any reason whatever, the Congress may have failed to elect a *designado*, the *designado* who was last elected shall continue to act in that capacity.

In the absence of both the Vice-President and the *designado*, the executive office shall be filled by the Ministers and Governors, the latter in order of proximity of their residence to the capital of the Republic. The Council of State, in each case of vacancy, shall designate the Minister who shall enter upon the exercise of the duties of the presidency.

Art. 126. The person in charge of the executive office shall have the same privileges and exercise the same powers as the President whose office he fills.

Art. 127. The citizen who may have been elected President of the Republic shall not be re-elected for the following term, provided he performed the duties of the presidency during the eighteen months preceding the new election.

The citizen who may have been called to exercise the powers of the presidency, and who shall have performed its duties within the six months next preceding the new election, shall not be eligible to the presidency.

Art. 128. The Vice-President of the Republic shall be elected at the same time, by the same electors, and for the same term as the President.

Art. 129. The Vice-President shall possess the same qualifications as the President.

Art. 130. The Vice-President shall be the presiding officer of the Council of State, and shall perform such other duties as shall be imposed upon him by law.

Art. 131. In case of the permanent absence of the Vice-President, his office shall remain vacant until the end of his constitutional term.

## TITLE XII.

### *Of the Ministers of the Cabinet.*

Art. 132. The number, designation and precedence of the several Ministers or administrative departments, shall be determined by law.

The President shall assign to the several Ministers the business that appertains to their departments respectively.

Art. 133. A Minister shall possess the same qualifications as a Representative.

Art. 134. The Ministers are the government's organs of communication with Congress; they present bills to the houses, take part in the debates, and counsel the President in his consideration of legislative acts.

Each Minister shall present to Congress, within the first fifteen days of each Legislature, a report on the condition of affairs appertaining to his department, and of the reforms which experience advises should be introduced.

The House may require the assistance of the Ministers.

Art. 135. The Ministers, as the superior chiefs of the administration, may exercise, in certain cases, presidential authority, as the President may direct. Under their own responsibility they may annul, reform or suspend the acts of their subordinate officers.

### TITLE XIII.

#### *Of the Council of State.*

Art. 136. The Council of State shall consist of seven members, to wit: The Vice-President of the Republic, who shall preside, and six voting members appointed in accordance with this Constitution.

The Ministers of the cabinet shall have a voice but no vote in the Council.

Art. 137. The office of Councilor of State is incompatible with any other effective employment.

Art. 138. The Councilors of State shall hold their office for four years, and one-half of the Council shall be renewed every two years.

Art. 139. The Council shall be divided, for the performance of its proper duties, into sections which the law or its own regulations shall establish.

Art. 140. The law shall determine the number of substitutes for the Councilors and the rules in regard to their appointment, service and responsibility.

Art. 141. The Council of State shall possess the following attributes:

I. To act as the supreme consulting body of the government in matters of administration, and they shall be heard in all affairs

committed to their advice by the Constitution and law. The opinions of the Council shall not be binding on the government except in the case of a vote for the commutation of the death penalty.

II. To prepare bills and codes to be presented to the houses, and to propose such reforms as they may deem proper in the several branches of legislation.

III. To decide, without appeal, all controversies within the administrative department of the government, provided the law shall establish this jurisdiction either original and exclusive or appellate.

In this case the Council shall have a section to whom such controversies shall be referred, and also an attorney, both to be created by law.

IV. To keep a formal register of their opinions and resolutions, and to transmit an exact copy thereof through the government to the Congress within fifteen days after the opening of the regular sessions, excepting the secret business of the Council, while there may be a necessity of such secrecy.

V. To establish its own regulations, with the obligation to hold in each month as many sessions as shall be necessary to dispatch the business devolving upon it.

And all such attributes as the laws may ordain.

#### TITLE XIV.

##### *Of the Public Ministry.*

Art. 142. The functions of the public ministry shall be exercised, under the supreme direction of the government, by an Attorney-General of the nation, by ministerial officers of the superior district tribunals, and by the other functionaries to be designated by law.

The House of Representatives shall exercise specified ministerial functions.

Art. 143. The officers of the public ministry shall defend the interests of the nation, promote the execution of the laws, judicial sentences, and administrative orders; they shall supervise the official conduct of the public employes, and prosecute those guilty of crimes and misdemeanors that disturb the social order.

Art. 144. The term of office of the Attorney-General shall be three years.

Art. 145. The special functions of the Attorney General of the nation are the following:

I. To see that all the public officers in the service of the nation shall properly discharge their duties.

II. To arraign before the Supreme Court all officers who are to be tried by it.

III. To see that all the other officers of the public ministry shall faithfully discharge their duties, and to hold them to a legal responsibility for illegal acts.

IV. To appoint and remove at his pleasure his immediate subordinate officers.

And all such other functions as the law may assign to him.

#### TITLE XV.

##### *Of the Administration of Justice.*

Art. 146. The Supreme Court shall be composed of seven judges.

Art. 147. The judges of the Supreme Court shall hold their office for life, or during good behavior. The law shall determine the causes for which they are removable, and the procedure and formalities to be observed in rendering judicial sentence in such cases.

Any judge who may accept any other office from the government shall be held to have vacated his judgeship.

Art. 148. The President of the Supreme Court shall be elected every four years by the court itself.

Art. 149. There shall be seven substitutes appointed to supply the temporary vacancies that may occur on the Supreme Bench. Whenever a permanent vacancy shall occur, either by death, resignation, or under a constitutional provision, or by judicial decree, a new appointment shall be made to supply the vacancy.

Art. 150. The judges of the Supreme Court shall be Colombians by birth and in the exercise of the full rights of citizenship; they shall be at least thirty-five years of age, and have presided as judges in one of the superior district tribunals, or in one of the tribunals of the former States, or have pursued, with credit, for five years at least, the profession of law, or have been professors of jurisprudence in some public institution.

Art. 151. The Supreme Court shall exercise the following functions:

I. To take cognizance of causes on appeal, conformably with the law.

II. To adjust all disagreements that may arise between two or more district tribunals.

III. To take cognizance of all causes in which the nation is a party, or which may involve a controversy between two or more departments.

IV. To decide, finally, upon the constitutionality of legislative acts, which may have been objected to by the government as unconstitutional.

V. To decide, in conformity with the law, upon the validity or nullity of such ordinances enacted by the departments as may have been suspended by the government, or denounced before the tribunals, by those interested, as subversive of civil rights.

VI. To try the high national officers who may have been accused, before the Senate, for any offense that is made triable thereby under Article 97.

VII. To take cognizance of all causes for violation of the Constitution, or laws, or for malfeasance in office, that may be instituted against diplomatic or consular agents of the Republic, Governors, judges, commanders or generals of the national forces, and the superior chiefs of the treasury office of the nation.

VIII. To take cognizance of all causes affecting diplomatic agents accredited to the government of the nation, in the cases provided for by international law.

IX. To take cognizance of all causes relating to the navigation of the sea, or of navigable rivers which touch the territory of the nation.

And all other functions which the law may assign to it.

Art. 152. The court shall appoint and remove at pleasure its subordinate officers.

Art. 153. In order to facilitate the prompt administration of justice, the national territory shall be divided into judicial districts, and in each district there shall be a superior tribunal, whose formation and functions shall be determined by law.

Art. 154. In order to be a judge in the superior tribunals one must be a citizen in the exercise of his rights, at least thirty years of age, and have, for at least three years, performed judicial functions or practiced the profession of law with credit, or given instruction in law in a public institution.

Art. 155. The provisions contained in Article 147 shall apply to the judges of the superior tribunals. Said judges shall be responsible to the Supreme Court, in the manner to be determined by law, for malfeasance in office and for the commission of all acts in derogation of official dignity.

Art. 156. The law shall organize the inferior courts, and determine their functions and terms of the judges.

Art. 157. In order to be a judge one must be a citizen in the exercise of his rights, be versed in the science of the law, and enjoy a good reputation.

The second of these requisites is not indispensable in respect to municipal judges.

Art. 158. Inferior judges shall be responsible to their respective superiors.

Art. 159. Judicial offices shall not be cumulative, and they are incompatible with the exercise of any other office of emolument, or with any participation in the practice of the law.

Art. 160. Judges shall not be suspended from the exercise of their functions except in the cases and with the formalities prescribed by law, nor otherwise than by a judicial decree. Their transference to other employments shall leave their judgeship vacant.

The salaries of judges shall not be abrogated or diminished in such manner that the abrogation or diminution shall prejudice those who may be exercising said employments.

Art. 161. Every sentence shall be accompanied by the reasons therefor.

Art. 162. The law may institute juries for the trial of criminal causes.

Art. 163. Courts of commerce may be established.

Art. 164. There may be established by law tribunals with jurisdiction to resolve administrative differences, which tribunals shall take cognizance of all differences occasioned by the administrative acts of the several departments, and the Council of State shall have power to decide all conflicts between the several ministries of the administration.

## TITLE XVI.

### *Of the Public Force.*

Art. 165. All Colombians shall be required to bear arms when public necessity demands it, in order to defend the national independence and the institutions of the country.

The conditions which exempt from military service shall be determined by law.

Art. 166. The nation shall keep a standing army for its defense. The law shall determine the mode of filling vacancies in the army, as well as all matters relating to promotion, rights and duties of soldiers.

Art. 167. Whenever the number of the standing army shall not be fixed by special law, the provisions of the preceding Congress relating thereto shall continue in force.

Art. 168. The army is not a deliberative body. It shall not assemble except by order of the legitimate authority; it shall not petition, except on subjects which relate to the good service and morals of the army, and in accordance with laws governing the same.

Art. 169. Soldiers shall not be deprived of their rank, honors and pensions except in the cases and in the manner which the law shall determine.

Art. 170. Courts martial or military tribunals shall take cognizance, under the laws of the military penal code, of all crimes committed by soldiers in active service, and in relation to the same service.

Art. 171. The law may organize and establish a national militia.

## TITLE XVII.

### *Of Elections.*

Art. 172. All the citizens shall elect directly municipal councilors and deputies to the departmental assemblies.

Art. 173. The citizens who may know how to read and write, or have an annual revenue of five hundred dollars, or immovable property to the value of one thousand and five hundred dollars, may vote for electors, and elect directly representatives.

Art. 174. The electors shall vote for President and Vice-President of the Republic.

Art. 175. The Senators shall be elected by the departmental assemblies; but in no case shall members of the said assemblies be elected who may have belonged thereto within the year in which the election may be made.

Art. 176. There shall be one elector for each one thousand inhabitants.

There shall also be one elector for each district that may contain less than one thousand inhabitants.

Art. 177. The electoral assemblies shall be renewed for each presidential election, and the persons who shall have been declared legitimate members of such assemblies shall not be deprived of the right of exercising their functions, except by a judicial decree, which shall cause the loss or suspension of the rights of citizenship.

Art. 178. For the election of Representatives each department shall be divided into as many electoral districts as it may be entitled to Representatives, and each district shall elect one Representative.

The division to which the preceding paragraph refers shall be made by law, or in default of this, by the Government.

Municipal districts containing more than fifty thousand inhabitants shall be considered electoral districts, and shall elect one or more Representatives according to their population.

In case the fractions of population over and above the number necessary for a Representative shall, when added together, amount to more than twenty-five thousand inhabitants, the department shall elect one additional Representative. The law shall fix the rules of this additional election.

Art. 179. The suffrage shall be exercised as a constitutional function. The person who votes, or elects, does not impose an obligation on the candidate, nor does he confide any trust to the officer elected.

Art. 180. There shall be judges of inquiry, vested with equity jurisdiction, who shall be empowered to decide all questions which may arise concerning the validity or nullity of election records, concerning the elections themselves, or the particular votes cast.

These judges shall be responsible for their decisions, and shall be appointed in the manner and for the term provided by law.

Art. 181. The law shall provide for the other matters concerning the elections and the examination of the same, insuring the independence of both functions; and it shall define the crimes which may impair the purity or freedom of the suffrage, and shall prescribe the proper penalties.

## TITLE XVIII.

### *Of the Departmental and Municipal Administration.*

Art. 182. The departments, for the administrative service, shall be divided into provinces, and the latter into municipal districts.

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Art. 183. There shall be in each department an administrative body denominated a departmental assembly, composed of Deputies, one for each twelve thousand inhabitants.

The law may change the preceeding numerical basis for Deputies.

Art. 184. The assemblies shall meet ordinarily every two years in the capital of the department.

Art. 185. The assemblies shall direct and encourage, by means of ordinances and with the resources, belonging to the department, primary education and charities, the industries already established and the introduction of new ones, immigration, the importation of foreign capital, the colonization of lands belonging to the department, the opening of roads and navigable canals, the construction of railways, the utilization of forests belonging to the department, the improvement of rivers, matters relating to the local police, the superintendence of the revenues and expenses of the districts, and generally whatever relates to local interests and internal progress.

Art. 186. The assemblies of the departments may also create and abolish municipalities in accordance with the basis of population determined by law, and restrict and enlarge local municipal limits as local interests may require. If any inhabitants interested in the subject shall complain of the act of extension or restriction, the final decision in the matter shall be rendered by Congress.

Art. 178. The assemblies of the departments may, by the authorization of Congress, exercise other functions besides those specially belonging to them by law.

Art. 188. The property, rights, values and shares which, by law, or by decrees of the national government, or by any other title, belonged to the late sovereign States, are hereby conveyed to the respective departments and shall belong to them during their legal existence.

The immovable property specified in Article 202 is not included in this conveyance.

Art. 189. The assemblies shall vote every two years the estimate of revenues and expenses of their respective departments, and shall, according to law, make the appropriations necessary to cover the expenses so estimated.

Art. 190. The assemblies of the departments, in order to cover the expenses of administration in the several departments,

may levy taxes under the conditions and within the limits prescribed by law.

Art. 191. The ordinances enacted by the assemblies shall be enforceable and binding so long as they shall not be suspended by the Governor or by judicial authority.

Art. 192. All persons injured by acts of the assemblies may have recourse to a competent tribunal, which may, as a measure of prompt relief and to avert a serious injury, suspend the act complained of.

Art. 193. In each department there shall be a Governor who shall exercise the functions of the executive power as agent of the central administration on the one hand, and on the other as the superior chief of the departmental administration.

Art. 194. The Governors shall be appointed for a period of three years, and they may be reappointed.

Art. 195. The Governor shall be vested with the following powers:

I. To obey the orders of the Government himself, and to see that they are obeyed by others in the department.

II. To direct administrative action in the department, appointing and removing his agents, reforming and revoking their acts, and dictating the provisions necessary in all the branches of the administration.

III. To be the organ of the department, and to represent it in political and administrative matters.

IV. To assist the administration of justice within the limits prescribed by law.

V. To exercise the right of supervision and protection over official corporations and public establishments.

VI. To approve, in the manner determined by law, the ordinances that may be enacted by the departmental assemblies.

VII. To suspend, by virtue of his office or on petition of the party aggrieved, by an order setting forth his reasons therefor, within ten days after their issue, such ordinances of the assemblies as have been enacted without authority or in violation of law or in contravention of the rights of third parties, and to submit the suspension decreed to the Government for its ratification or rejection.

VIII. To review the acts of the municipalities and those of the alcaldes, to suspend the former and to revoke the latter by orders setting forth his reasons therefor, which reasons should only be those of incompetency or illegality.

And such other powers as may be conferred upon him by law.

Art. 196. The Governors shall be subject to administrative and judicial responsibility. They shall be removable by the Government, and answerable before the Supreme Court for offenses which they may commit in the exercise of their functions.

Art. 197. The Governor may request the aid of the armed force, and the military chief shall obey his instructions, unless in contravention of special provisions made by the Government.

Art. 198. In each municipal district there shall be a popular corporation, which shall be designated by the name of municipal council.

Art. 199. The municipal councils shall enact such resolutions and local regulations as may be necessary for the administration of the district; they shall, in accordance with the ordinances of the assemblies, determine by vote the local taxes and expenditures; they shall keep an annual register of the population; they shall take a census whenever required by law, and they shall exercise the other functions which may be assigned to them.

Art. 200. The direction of the administration in the district belongs to the alcalde (mayor), a functionary who has the double character of agent of the Governor and officer of the people.

Art. 201. The department of Panama shall be subject to the direct authority of the Government, and shall be administered in accordance with special laws.

## TITLE XIX.

### *Of Finance.*

Art. 202. The following property shall belong to the Republic of Colombia:

I. The estates, revenues, lands, valuables, rights, and shares which belonged to the Colombian Union on the fifteenth day of April, 1886.

II. The uncultivated lands, mines and salt works which belonged to the States, the property in which is now vested in the nation, without prejudice to the rights acquired by third parties from said States, or held by the latter from the nation under the title of indemnification.

III. All mines of gold, silver, platinum and precious stones that lie within the national territory, without prejudice to the

rights which the discoverers or explorers may have acquired over some of them under previous laws.

Art. 203. The Republic shall be responsible for the foreign and domestic debts that have already been recognized or that may be hereafter recognized, and for the expenses of the national public service.

The law shall determine the order and manner of satisfying these obligations.

Art. 204. No indirect tax, nor any increase in such tax already existing, shall take effect until six months after the promulgation of the law establishing such tax or increase.

Art. 205. No alteration in the customs tariff shall take effect until ninety days after the approval of the law enacting it; and all increase or diminution of the import dues shall take effect by tenth parts during the ten following months.

This provision and that of the preceding article shall not limit the extraordinary powers of the government in any case in which it may be invested therewith.

Art. 206. Each ministry shall prepare, every two years, an estimate of its expenditures and deliver the same to the treasury department, from which shall be prepared the general estimate for the nation and submitted to the approval of Congress, together with an estimate of the revenues from which shall be appropriated the means necessary to meet the national obligations.

If Congress shall fail to vote the budget for the fiscal period of two years, the budget voted for the previous two years shall continue in force.

Art. 207. No expenditure of public money shall be made without a previous authorization thereof by Congress, by the assemblies of departments, or by the municipalities; nor shall any appropriation be diverted from the object for which it was made.

Art. 208. Whenever, in the judgment of the Government, the necessity arises for an indispensable expenditure, and the houses should not be in session, and the appropriation should not have been made or should be inadequate, a supplemental or extraordinary credit may be assigned to the respective ministry.

These credits shall be opened by the council of ministers upon proof of their necessity, and after consulting with the council of State.

Congress shall legalize these credits.

The Government may petition Congress for credits additional to the budget of expenses.

#### TITLE XX.

*Of the Amendment of this Constitution and the Abrogation of the Former.*

Art. 209. This Constitution may be amended by a legislative act, discussed first and adopted after three several readings in the usual manner by Congress, submitted by the Government to the next following Legislature for its definite action, and by it newly discussed and finally adopted by two-thirds of the members of both houses.

Art. 210. The Constitution of the 8th of May, 1863, which is inoperative by reason of accomplished facts, is hereby abolished; and, in the same manner, all legislative provisions in conflict with this Constitution are hereby repealed.

#### TITLE XXI.

(Additional.)

##### *Temporary Provisions.*

Art. A. The first presidential term shall begin on the seventh day of August of the present year.

On the same day shall begin the first constitutional term of the Vice-President of the Republic and of the designato.

The first constitutional term of the councilors of State and of the Attorney-General of the nation shall begin on the first day of September of the present year.

The new judges of the National Supreme Court shall take possession of their offices on the first day of September of the present year.

Art. B. The first constitutional Congress shall assemble on the 20th day of July, 1888.

Art. C. As soon as this Constitution shall be adopted the national council of delegates shall assume legislative functions and others which, in accordance with this Constitution, belong to the Congress, and separately, to the Senate and to the House of Representatives. Besides these functions, it shall exercise immediately that attributed to it by Article 77.

Art. D. Before the date fixed for the assembling of the first constitutional Congress, the constituent national council shall

exercise legislative functions whenever it may be convoked in extraordinary session by the Government.

Art. E. The members of the council of State, whose election belongs to the Senate and House of Representatives, shall be elected by the national council by two separate votes, and by voting in each of them for two members. The person in each voting, who shall have the largest number of votes shall be declared a councilor for the term of four years, and the person receiving the next highest number of votes, for the term of two years. In case of equal number of votes, it shall be decided by lot.

The two councilors whose appointment belongs to the Government shall be appointed simultaneously, and then it shall be decided by lot, before the council of ministers, which of the two shall serve for four years, and which for two.

Art. F. In the performance of the duty No. II of the council of State, that body may add to each one of its sections one or two persons learned in the law. These persons shall cease to act as councilors on the twentieth day of July, 1888.

Art. G. The revenues and taxes which the late States of the Union had established by law shall continue the same for the respective departments so long as no other provisions are made by the legislative power.

The revenues, which, by decrees of the executive power, have been destined ultimately for the service of the nation, shall be expected from the foregoing provision.

Art. H. As long as the legislative power shall not provide otherwise, the laws existing in the several States shall continue in force in the respective departments.

After the constituent national convention shall have assumed the functions of a legislative body it shall at once proceed to enact a law in regard to the adoption of codes and the unification of the national legislation.

Art. I. The laws of the late States which may have been suspended by the late Federal Supreme Court, and those considered by said court but not suspended by a unanimous vote, shall be referred to the council of delegates for its final decision on their validity or nullity.

Art. J. If before the enactment of a law referred to in Article H, any person should be tried for any of the offenses mentioned in Article 29, the trial shall be conducted under the

Code of the late State of Cundinamarca, approved October 16, 1858.

Art. K. Pending the enactment of a law regulating printing, the Government shall be empowered to prevent and suppress abuses of the press.

Art. L. All acts of a legislative character promulgated by the President of the Republic before the adoption of this Constitution shall continue in force, even though in conflict with it, so long as they are not expressly repealed by the legislative body or revoked by the Government.

Art. M. The President of the Republic shall appoint freely, the first time, the judges of the Supreme Court and of the superior tribunals, and shall submit such appointments to the approval of the national council.

Art. N. All permanent vacancies among the members of the national council from and after the date of its becoming a legislative body, shall be filled by appointments made by the Governors of the departments.

Art. O. This Constitution shall go into effect with respect to the high national powers, from and after the day on which it shall be approved; and for the nation, thirty days after its publication in the Diario Oficial.

Given in Bogota, August 4, 1886.

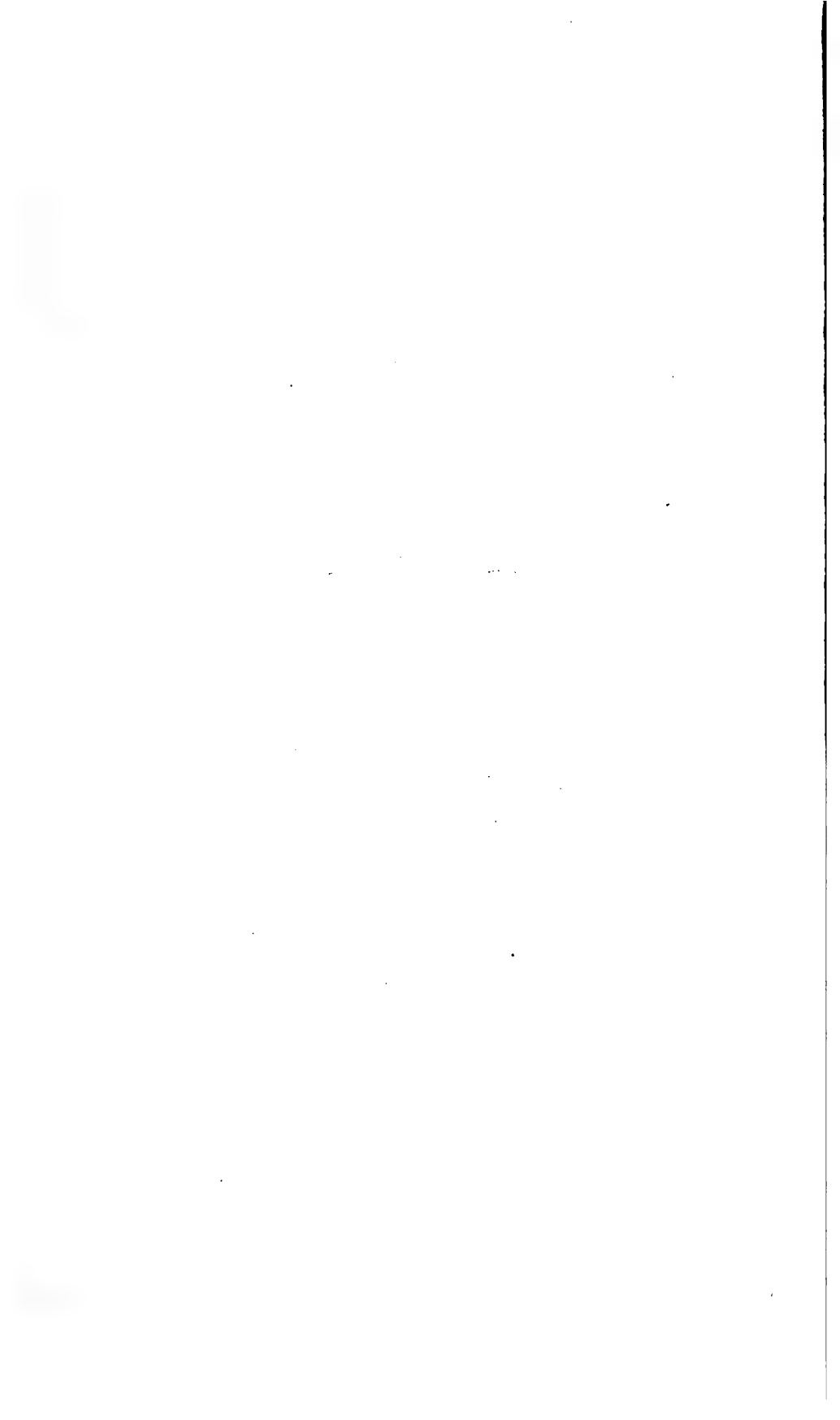
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CONSTITUTION

OF THE

REPUBLIC OF ECUADOR.

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# CONSTITUTION OF THE REPUBLIC OF ECUADOR.

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## Article

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## PREAMBLE.

In the name of God, the Author and Legislator of the earth, the National Assembly of Ecuador makes and promulgates the following political Constitution:

## TITLE I.

*The Nation and the Form of Its Government.*

Article 1. The Ecuadorian nation is composed of all the Ecuadorians united under the dominion of the same laws.

Art. 2. The territory of the Republic embraces that of the provinces which formerly constituted the Presidency of Quito and that of the Archipelago of Galapagos. The limits shall be finally fixed by treaties with the neighboring nations.

Art. 3. The sovereignty is vested in the nation, but it is delegated by it to the authorities established by the Constitution.

Art. 4. The government of Ecuador is popular, elective, representative, alternative and responsible. It is vested in three powers: The legislative, the executive, and the judicial. Each one fulfills the duties and functions allotted to it by the present Constitution, but shall not exceed the limits established by its provisions.

Art. 5. The Republic is indivisible, free and independent of all foreign power.

## TITLE II.

## Section I.—Ecuadorians and Aliens.

Art. 6. The following are Ecuadorians:

1. All persons born in the territory of Ecuador of Ecuadorian fathers or mothers.
2. All persons born in Ecuadorian territory of alien fathers, if residing in it.
3. All persons born in a foreign State of Ecuadorian father or mother, who reside in the Republic, and express their desire to be Ecuadorians.
4. All the natives of another State who enjoy the Ecuadorian nationality.
5. All aliens professing sciences, arts or useful industries, or those owning real estate or having capital invested in business, who have resided for one year in the territory of the Republic, have declared their intention to become domiciled in it, and have obtained naturalization papers.
6. Those who have obtained naturalization by act of Congress for services rendered to the Republic.

Art. 7. No Ecuadorian, even if he has acquired another nationality, shall be exempted from the duties imposed upon him by the Constitution and the laws as long as he remains domiciled in the Republic. The provisions made on this subject in treaties anterior to this date shall be respected.

Art. 8. A special law shall provide who are domiciled foreign-ern and what are their rights and duties.

#### Section II. — Citizenship.

Art. 9. Every male Ecuadorian who can read and write and is over twenty-one years of age, whether married or single, is a citizen of Ecuador.

Art. 10. The Ecuadorian citizenship is lost:

1. By entering the service of a hostile nation.
2. By naturalization in another State.
3. In all other cases established by law.

Art. 11. Ecuadorians who have lost the rights of citizenship may have the same restored to them by the Senate. But convicts sentenced to a term of imprisonment longer than six months cannot obtain their restoration to citizenship until the full term of their sentence is served.

An Ecuadorian naturalized in another country may recover his native citizenship by returning to Ecuador, renouncing foreign allegiance, and declaring his intention to reassume his original citizenship.

Art. 12. The rights of citizenship shall be suspended:

1. By judicial injunction.
2. By decree issued in virtue of some violation of the law which entails the loss of citizenship.
3. By decree issued against a public functionary.

#### TITLE III.

##### *The Religion of the Republic.*

Art. 13. The religion of the Republic is the Roman Catholic Apostolic, and all others are excluded. The political powers are bound to respect it, to cause it to be respected, and to protect it in its liberty and all other rights. ✓

#### TITLE IV.

##### *Guarantees.*

Art. 14. The penalty of death shall not be imposed for offenses purely political, unless they consist in the alteration by

force of the constitutional order by armed people militarily organized.

Treason to the country, parricide, murder, arson, pillage and piracy, even if committed under cover of a political purpose, shall never be political offenses, nor shall offenses committed by military men while in active service have the same character.

Art. 15. All persons are entitled to be presumed innocent, and to retain their good reputation, as long as not adjudged guilty in the manner provided by law.

Art. 16. There are no slaves, nor shall there be any, in the Republic, and all slaves who tread upon Ecuadorian territory shall become free.

Art. 17. Forced recruiting is forbidden.

Art. 18. No person shall be forced to lend services not required by law, and in no case shall tradesmen and laborers be compelled to work unless in fulfillment of a contract.

Art. 19. There shall be liberty of reunion and association without arms for lawful purposes.

Art. 20. All persons are entitled to exercise the right of petition by addressing any authority whatever, and to ask for and secure a proper decision; but the petitions shall never be made in the name of the people.

Art. 21. No person shall be detained, arrested or imprisoned except in such cases, in such form, and for such time as provided by law.

Art. 22. No person can be excluded from the protection of the laws or submitted to other jurisdiction than that of his natural judges; nor can he be tried by special commissions or by laws enacted subsequent to the date of his offense, or deprived of the right of defense in all the stages of the trial.

Art. 23. No husband or wife shall be compelled to testify against each other in a criminal case. No person shall be forced to testify against his relations, whether in the ascending, descending or collateral line, within the fourth civil degree of blood relationship or the second degree of affinity. No one shall ever be compelled by oath, or otherwise, to give testimony against himself in any matter which may entail penal responsibility. No person shall be kept in close confinement for over twenty-four hours, or in irons, nor shall he be subjected to any other kind of torture.

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Art. 24. Whipping and confiscation of property are forbidden.

Art. 25. No one shall be deprived of his property except by a judicial decision, or by condemnation for public use in the form prescribed by law and upon previous indemnification.

Art. 26. No tax or duty shall be levied except in conformity with the law and by the authority which the same may have designated for that purpose. Taxation shall always be in proportion to the capital or industry of the taxpayer.

Art. 27. All persons shall enjoy liberty of industry and the exclusive ownership of his discoveries, inventions, or literary productions in the manner and form prescribed by law.

Art. 28. All persons shall have the power to express their thoughts freely, either orally or through the press, provided that they respect religion, decency, morals, and private reputation; otherwise they shall be subject to legal responsibility.

Those who, either orally or through the press, incite rebellion or disturb the constitutional order, shall be likewise subject to legal responsibility.

Art. 29. The house of every person shall be inviolable. It shall not be entered except for some special reason provided by law and by order of competent authority.

Art. 30. Suffrage shall be free.

Art. 31. Epistolary correspondence shall be inviolable. Intercepting, opening, or searching letters, papers, or effects belonging to private persons, except in the cases provided by law, is forbidden.

Art. 32. All persons are allowed to travel freely in the interior of the Republic, to move from one place to another, to leave the country, whether taking or not taking with them their property, or to return to the same. In case of war, passports shall be required.

Art. 33. Public credit is guaranteed. Therefore, the funds appropriated by law for the payment of the national debt shall not be applied to any other purpose, except as provided by No. 9 of article 94.

Art. 34. All persons shall have the power to establish educational institutions, provided they subject themselves to the law of public instruction.

Primary instruction is gratuitous and compulsory, but parents shall have the right to select the school which they may deem best. The imparting of this instruction, as well as the teaching of trades, shall be paid out of the public funds.

Art. 35. The entailing of property, whether in the form of mayorazgos or any other, is forbidden in Ecuador, in whose territory real estate shall not be allowed to be made untransferable.

Art. 36. Only those Ecuadorians who are actually enjoying the rights of citizenship can be public functionaries.

Art. 37. All public functionaries who may have violated any of the guarantees established by the present Constitution shall be responsible with their property for the damages they may have caused; and in case of crimes or offenses committed by them in violation of the same guarantees, the following provisions shall be observed:

1. Accusation may be formulated against them with or without the intervention of a lawyer and without the obligation to give bonds.

2. The penalty imposed in these cases shall never be remitted by pardon or modified by commutation or reduction during either the constitutional period in which the offense was committed or in that following.

3. No actions, whether criminal or civil, arising out of the offenses herein referred to shall be barred by limitation, except after the expiration of the two periods above named.

## TITLE V.

### *Elections.*

Art. 38. There shall be, in conformity with the law, popular elections by direct and secret vote. The President and Vice-President of the Republic, the Senators, the Deputies, and all other functionaries designated by the Constitution and the laws, shall be elected in this manner.

Art. 39. All Ecuadorians in the exercise of the rights of citizenship are electors.

Art. 40. The election shall take place on the day established by law. The respective authorities shall proceed, under the strictest responsibility, to execute on that day the electoral law, without waiting for any order from their superiors.

## TITLE VI.

### *The Legislative Power.*

#### Section I.—The Congress.

Art. 41. The legislative power shall be vested in the national Congress, consisting of two chambers, one of Senators and another of Deputies.

Art. 42. Congress shall meet every two years, on the tenth of June, in the capital of the Republic, even if it has not been called to convene. It shall be in session for sixty days, and no more. It will meet also in extra session when called together by the executive power, but then it will sit only for the time and for the purposes expressed in the call.

Section II.—The Senate.

Art. 43. The Senate shall consist of two Senators for each Province.

Art. 44. To be a Senator the following qualifications are required:

1. To be an Ecuadorian in the exercise of citizenship.
2. To be thirty-one years of age.

Ecuadorians by naturalization, under article 6, Nos. 3, 4, 5 and 6 of this Constitution, require the additional qualification of having resided for four years in the Republic.

Art. 45. The exclusive powers of the Senate are:

1. To take cognizance of and try, upon articles formulated by the Chamber of Deputies, cases of impeachment against the public functionaries spoken of in article 50.

2. To restore citizenship to any person who may have lost the same for whatever reason, except treason to the benefit of a hostile State or foreign invaders.

3. To restore, upon proof of innocence, the good name of those unjustly condemned.

Art. 46. When the Senate takes cognizance of some accusation limited to official acts, its power shall not extend further than to removal from office of the guilty party, or, at the most, to disqualify him, whether temporarily or forever, to hold a public position; but if the case involves an offense requiring some other penalty, the case shall be referred for trial to a competent tribunal.

Art. 47. When the charges preferred do not relate to the official conduct of the accused party, the Senate shall limit its action to decide whether there are or are not sufficient grounds to try the case. If deemed sufficient, the Senate shall place the accused at the disposal of the proper tribunal.

Section III.—The Chamber of Deputies.

Art. 48. The Chamber of Deputies shall consist of representatives elected by the people of the Provinces. Each Province

shall have one Deputy for every 30,000 inhabitants; but if there be a fraction of this unit exceeding 15,000, one more Deputy shall be elected. Every Province, whatever its population may be, shall have at least one Deputy.

Art. 49. All Ecuadorians in the exercise of their rights of citizenship can be Deputies.

Art. 50. The Chamber of Deputies shall have the following special powers:

1. To formulate articles of impeachment before the Senate against the President of the Republic or the acting chief magistrate of the nation, Secretaries of State, the Justices of the Supreme Court and the Councilors of State.

2. To investigate any charges made against the aforesaid officials, and, if considered well founded, to refer them to the Senate.

3. To direct the proper authorities to enforce the responsibility incurred by the public officials who have exceeded their powers or who have failed to comply with their duties.

4. To take the initiative steps in all laws relating to taxation.

#### Section IV.—Provisions Applicable to Both Chambers.

Art. 51. Neither chamber shall be called to order without the presence of a quorum, consisting of two-thirds of the total number of its members, nor shall it continue in session without an absolute majority being in attendance.

Art. 52. No Senator or Deputy shall withdraw from his post without permission of the respective chamber; otherwise, he shall incur the penalty of losing his rights of citizenship for two years.

Art. 53. The two chambers shall meet in joint session to declare the result of the election of President and Vice-President of the Republic; to perfect their election; to administer the oath of office to the high functionaries; to accept or reject their resignation; to elect the Councilors of State, the Justices of the Supreme Court, of the Tribunal of Accounts, or of the Superior Courts; to accept or reject the resignation of the same officials; to confirm or reject the nominations made by the executive for the positions of generals and colonels in the army; to censure the conduct of the Ministers of State; and it shall also meet in joint session whenever one of the chambers may request it. But the two chambers shall never meet together to exercise the powers which, under article 62, separately belong to each one.

The Minister of State whose official conduct has been censured by Congress shall not be put again at the head of a department, unless after the meeting of the next Congress.

Art. 54. Both chambers shall organize by themselves, and shall open or close their sessions on the same day. Both shall hold their meetings in the same city, and neither shall transfer its sittings to another place or adjourn for more than three days without the consent of the other.

Art. 55. Neither the Senators nor the Deputies shall be responsible for their opinions expressed in Congress. They shall enjoy immunity during the time of the sessions and for thirty days preceding or following the same. They shall not be tried prosecuted, or arrested unless the chamber to which they belong has resolved, by a majority of the members present, to authorize the trial. If a Senator or a Deputy is caught in the act of committing some criminal offense, he shall be put at the disposal of the respective chamber, which shall decide, upon examination, whether the trial must or must not take place. If the criminal offense was committed during a period of thirty days subsequent to the date of adjournment, the court shall proceed freely to the trial of the Senator or Deputy.

Art. 56. No Senator or Deputy shall, during the term of his Congressional service, be permitted to accept, even pro tempore or in any other way, any position within the free gift of the executive.

Officials whose nomination by the executive does not require the action of the Senate cannot be elected Senators or Deputies, even if they resigned their positions three months before the election.

Army officers shall be exempted from the disqualifications of the first paragraph of the present article in cases of foreign invasion or internal disturbance, but in no other.

Art. 57. The President and Vice-President of the Republic, the members of the Cabinet, the Councilors of State, and the justices of the tribunals and courts cannot be Senators or Deputies. Nor can anyone be elected for either position by a Province in which he is then exercising, or for three months previous to the election has exercised, any command, jurisdiction, or authority, whether civil, ecclesiastical, political, or military.

Art. 58. The Senators shall serve for four years and can be re-elected indefinitely. Half of the Senate, however, shall be

renewed every two years, and the names of the Senators of the first election whose seats are to be vacated shall be drawn by lot in the manner and form which the Senate itself may provide.

Art. 59. Deputies shall serve for two years and can be re-elected indefinitely.

Art. 60. If on the day of the first meeting of Congress a sufficient number of Senators or Deputies is not present, as required by the present Constitution, or if at any other meeting, either of the Senate or of the Chamber of Deputies, no business can be transacted for want of a quorum, the members present, whatever their number may be, shall have the power to compel the absentees, under the penalties of law, to attend the meetings, and shall also be entitled to sit in their respective chambers until the quorum, either of the two-thirds or of the simple majority of the members, as the case may be, is obtained.

Art. 61. The sessions shall be public, unless the chamber holding the same resolves to discuss the matter in secret.

#### Section V.—The Powers of Congress when Divided in Legislative Chambers.

Art. 62. Congress shall have power:

1. To reform the Constitution in the manner and form herein provided, and to decide, when needed, the proper construction to be placed upon the language of its provisions. Such explanations or interpretations shall be made by a special act.

2. To make every year, upon examination of the estimates submitted by the executive, all the appropriations necessary to meet the expenses of the government.

3. To supervise the proper and legal disbursement of the national revenue.

4. To levy taxes and authorize the executive to contract loans, pledging the credit of the nation; but these contracts shall not be carried into effect until after their approval by Congress.

5. To acknowledge the national debt, and to determine the manner and form of payments, both of the interest and the principal. No debt shall be recognized if not contracted under proper authority, or if it arises out of some fact contrary to the laws.

6. To decree the sale of public property, to make rules for its management, or to destine it for public uses.

7. To create or abolish those offices whose creation or abolition does not belong, under the Constitution or the laws, to some other authority; to fix or modify the powers of the different officials; to fix the duration of their respective terms of office, and to increase or diminish their compensation.

8. To declare, according to law and upon examination of the decision made in that respect by the Tribunal of Accounts, the responsibility which the Secretary of the Treasury may have incurred.

9. To grant rewards, honorary and personal, to those who have rendered great services to the country, and to decree public honors to the memory of the deceased.

10. To establish a uniform fineness, weight, value, shape, and name for the national coin; to decide whether foreign coin must or must not be admitted to circulation, and to establish a system of weights and measures.

11. To fix every two years the maximum strength of the army and navy in active service in time of peace, and to provide for the proper renovation of the national force.

12. To declare war if asked to do so by the executive; to instruct the executive to negotiate peace; and to approve or disapprove all public treaties and conventions which, without this requisite, shall not be ratified or exchanged.

13. To promote the progress of sciences, arts, undertakings, discoveries, and improvements, and to grant, for a limited time, exclusive privileges or advantages and indemnities.

14. To grant, whether the case is or is not pending, general amnesties or pardons, if so required by some grave reason of public utility. If Congress is not in session the executive shall exercise this power, with the advice of the Council of State.

15. To establish the place of residence of the supreme powers.

16. To permit the transit of foreign troops through the territory of the Republic, or to refuse such permission, and to allow or disallow foreign men-of-war to remain for more than two months in the ports of the Republic.

17. To create or suppress Provinces and cantons, to fix the limits thereof, and to create or suppress ports of entry.

18. To order the construction and improvement of roads and canals, without preventing the local districts from building or improving their own.

19. To declare, in cases of physical or mental inability of the President or Vice-President of the Republic, whether an election must or must not take place.

20. To make codes; to enact laws, decrees, and resolutions for the proper administration of the government; to declare the proper construction to be placed upon their provisions, and to amend, modify, or repeal the same enactments.

Art. 63. Congress shall have no power to suspend, under cover of a pardon, the course of the judicial proceedings, or to repeal the decrees and orders made by the judicial power (except in the cases provided for in No. 14 of the preceding article), or to exercise any of the powers which exclusively belong to the executive, or to abridge the powers which, under the present Constitution, belong to the local authorities. Congress is also forbidden to order any payment to be made without the proper proof of the justice of the claim according to law, or to grant any indemnification without previous decision of a court to that effect. And it is finally forbidden to delegate any of the powers which belong to it under the present Constitution to one or more of its members or to some other person or corporation.

#### Section VI.—The Making of the Laws and Legislative Decrees.

Art. 64. All laws, decrees, and resolutions of Congress concerning the administration of justice may originate in either chamber by proposition of any of the members thereof, of the executive, or of the Supreme Court.

Art. 65. If any bill, resolution, or decree has been rejected it cannot be introduced until the next session unless accompanied by amendments; and if it is then admitted it shall be discussed in three different meetings of each chamber on different days.

Art. 66. All bills, decrees, or resolutions approved in the chamber where they were introduced shall pass immediately to the other chamber, with a statement of the number of days employed in their discussion; and the other chamber shall grant or refuse its approval of them, or shall make such amendments, additions, or modifications as it may deem advisable.

Art. 67. If the chamber in which the bill originated does not concur in the additions or amendments proposed, it shall have the power to send it back to the other chamber and insist upon its acceptance, if it has some new reason for such action. If, in spite of this second presentation, the other chamber refuses to strike out the amendments or additions, and these amendments

or additions refer to the whole bill, then the measure shall be postponed until the next session of Congress; but if the amendments or additions refer only to certain articles, these articles shall be set aside and the bill will follow its course.

Art. 68. All bills, decrees, or resolutions passed by the two chambers shall be sent for approval to the executive power. If the approval is granted the bill shall become a law, and the executive shall order it to be promulgated and executed; but if the approval is refused, the executive shall return the bill, with his objections, to the chamber where it originated, within nine days. The bills passed by both chambers as urgent shall be approved or disapproved by the executive within three days, but the executive shall have no power to judge as to the urgency of the measure.

Art. 69. If the chamber should consider the objections of the executive power well founded, and if said objections refer to the whole act, the latter shall fail to become a law, and shall be sent to the archives. It cannot be introduced again until the next session of Congress. If the objections of the executive consist in the mere suggestions of corrections or amendments, the latter can be discussed and disposed of in one debate.

Art. 70. If the majority of the members present refuse their assent to the objections made by the executive to the whole act, the chamber where the bill originated shall refer it, with the proper explanations, to the other chamber. If the latter finds that the objections of the executive are well founded, the bill shall be returned in order that it may be put in the archives. But if a majority of its members finds that the objections of the executive are not well founded, the bill shall then be sent to the executive for approval, which, in that case, cannot be refused.

Art. 71. If the executive power does not return the act, either approved or disapproved, within the period of nine days, or of three in cases of urgency, or if the executive refuses his approval after all the constitutional requisites have been complied with, the act shall become a law. But if during the pendency of the said periods Congress adjourns, either temporarily or finally, the act shall be published in the newspapers, together with its objections, and shall be introduced again during the first three days of the next meeting. If it is not published, with its objections, within a period of nine days, the act shall become a law.

Art. 72. All pending bills and resolutions, as well as all those rejected or disapproved, shall be published in the newspapers, together with the reasons for such action.

Art. 73. The acts and resolutions to be sent to the executive for approval shall be made in duplicate, shall be signed by the respective presidents and secretaries of each chamber, and shall be accompanied by a statement of the days on which they were discussed.

Art. 74. When the executive notes that the provisions of articles 65, 66 and 67 have not been complied with in regard to some bill, resolution, or decree, the two copies aforesaid shall be returned within three days to the chamber where the error was committed, in order that, said error being corrected, the measure may proceed in the proper constitutional way. But if no error is found, the act shall be either approved or disapproved, and one of the copies, properly indorsed by the executive, shall be returned to the chamber where it originated.

Art. 75. If the chamber where the bill originated has adjourned, the periods of time set forth in article 74 shall not be affected by the adjournment.

Art. 76. The resolutions of Congress directing its sittings to be transferred to some other place, granting or refusing extraordinary powers, causing elections to be held, accepting resignations and excuses, or providing rules for its interior government, shall not require the intervention of the executive power. Nor shall said intervention be necessary either for any act which can be executed by one chamber alone or for any reform of the Constitution.

Art. 77. Congress shall use in enacting its measures the following words: "The Congress of the Republic of Ecuador decrees." The form to be used by the executive power shall be the following: "Let it be executed," or "Let it be objected."

Art. 78. The same rules shall be followed for the interpretation, modification, or abrogation of the laws as are established for their enactment.

Art. 79. The laws have no binding force except by virtue of their promulgation.

Art. 80. The laws shall be promulgated by the executive power within six days subsequent to their having become such laws; and if the said period is allowed to pass without the pro-

mulgation being made by the executive, then the Council of State shall make the said promulgation within the following six days, under its strictest responsibility.

Both periods may, however, be shortened or prolonged by the law itself, and in this case a special period shall be provided.

## TITLE VII.

### *The Executive Power.*

#### Section I.—The Chief Magistrate of the State.

Art. 81. The executive power is exercised by the President of the Republic of Ecuador. In case of necessity he will be superseded, first, by the Vice-President of the Republic; second, by the president of the last Senate; and, third, by the president of the last Chamber of Deputies.

Art. 82. After the election for President and Vice-President, Congress shall count the votes and shall declare elected the candidate who has obtained an absolute, or if not, a relative majority. If the number of votes is equal, Congress shall decide by absolute majority and by secret ballot the one elected; but this choice shall be confined to those who have obtained either the greatest and equal number of votes in the popular election. If the vote of Congress proves to be a tie, the decision shall be by lot.

Art. 83. To be President or Vice-President of the Republic it shall be required to be an Ecuadorian, as provided by clauses first and second of article 6, to be a citizen, and to be over thirty-five years of age.

Art. 84. The positions of President and Vice-President of the Republic become vacant by death, removal, accepted resignation, physical or mental disability declared by Congress, and expiration of the term established by the Constitution.

Art. 85. When the positions of President or Vice-President become vacant before the end of the constitutional period, the acting chief magistrate shall order, within the period of eight days, a new election, and this election shall be terminated within two months at the latest. The President or Vice-President elected in this way shall serve only during the unexpired term of his predecessor.

If the unexpired term of either the President or Vice-President does not exceed one year, the acting chief magistrate shall continue in charge until the period expires.

Art. 86. The President and Vice-President of the Republic shall serve for four years. Neither can be re-elected except after the expiration of two periods. During the same interval, it is also forbidden that the President be elected Vice-President or vice versa.

Art. 87. No relative in the second degree of blood relationship or the first degree of affinity of the acting chief magistrate shall be elected to succeed him.

Art. 88. The President of the Republic or the acting chief magistrate shall not be allowed, during his term of office or one year thereafter, to absent himself from Ecuadorian territory without the consent of Congress.

Art. 89. The President and Vice-President of the Republic, on entering into the execution of their respective offices, shall take before Congress, or, if Congress is not in session, before the Supreme Court, the following oath: "I, N. N., do swear before God, our Lord, and these Holy Gospels, to faithfully execute the office of President (or Vice-President) of the Republic; to protect the Roman Catholic Apostolic religion; to preserve the integrity and independence of the State; to execute the Constitution and the laws and to cause them to be executed. If so I do, may God help and defend me; if not, may He and my country demand it."

#### Section II.—Powers and Duties of the Executive.

Art. 90. The executive shall have the following powers and duties:

1. To approve the laws and decrees passed by Congress and make proper rules and regulations for their execution, without entering into any interpretation or alteration of their provisions.

2. To obey and execute the laws and decrees, and to cause them to be obeyed and executed by all executive agents and other employes.

3. To call Congress to convene every two years in ordinary session, and in extraordinary session whenever it may be required by public utility.

4. To preserve order in the interior of the Republic and to provide for its exterior safety.

5. To use the armed forces for the defense of the nation and for all other purposes required by the public service.

6. To appoint and remove, with the advice of the Council of State, the diplomatic agents, and without said advice the members of the Cabinet, the Governors of the Provinces, the political chiefs, the parochial lieutenants, and all other employes whose appointment or removal is not conferred by the Constitution or the laws upon some other authority.

7. To conduct the diplomatic negotiations; to conclude treaties; to ratify them upon previous approval of Congress, and to exchange the ratifications of the same.

8. To send to Congress nominations for the military positions of general and colonel.

9. To appoint all other military chiefs and officers.

10. To accept or refuse to accept the resignation of generals, chiefs, and officers of the army and the navy, and to grant, in conformity with the law, certificates of invalidity.

11. To grant patents of navigation.

12. To declare war when previously decreed by Congress, and to make peace with the approval of the same body.

13. To see that the laws be strictly complied with in everything relating to the management and disbursement of the national revenues.

14. To cause an account of the public revenues to be rendered each year by the Secretary of the Treasury to the respective tribunals, in order that the latter may pass upon it and refer it, with its decisions, to the legislative body.

15. To grant patents of inventions as provided in article 27 of the present Constitution.

16. To pardon, decrease, or commute, in conformity with the law and with the limitations established by it, penalties and sentences imposed for crimes or offenses. To exercise this power it will be required: (1) That a final sentence has been passed; (2) that the judge or tribunal who pronounced said sentence be asked to report on the subject; and (3) that the Council of State be consulted.

Art. 91. The President, or the acting chief magistrate, shall not have power to violate the guarantees established by the present Constitution; to stop the course of judicial proceedings; to abridge in any way the liberty of the courts; to prevent elections from being held or interfere with them; to dissolve the legislative chambers or cause them to adjourn; to exercise the

executive authority when absent from the capital of the Republic at a distance of more than five kilometers; or to admit foreigners in the army as officers or chiefs without permission of Congress.

Art. 92. The President shall be held responsible for treason against the Republic or for conspiracy against the same; for violating the Constitution, interfering with the other powers, or preventing Congress from meeting or deliberating; for refusing to sanction laws and decrees constitutionally passed; for exercising extraordinary facilities without permission of Congress or of the Council of State; for provoking an unjust war, or for preventing any of the public officers from being paid their salaries.

Art. 93. On the opening of an ordinary session of Congress, the President of the Republic, or the acting chief magistrate, shall report in writing to each one of the chambers, on the political and military state of the nation and its revenues and resources, and shall suggest the reforms or improvements which may be made in any branch of the administration.

Art. 94. In case of foreign invasion or domestic disturbance, the executive power shall apply to Congress, if then in session, and if not, to the Council of State, in order that, in view of his report and in consideration of the necessity felt, he may be granted the following powers, in full or with restrictions, to wit:

1. To increase the army and navy; to call the national guard into service, and to establish military authority whenever deemed necessary.

2. To order the collection, in advance, for one year and no more, of all the taxes with a discount at the rate of interest charged by the government.

3. To contract loans with the advice of the Council of State.

4. To move the capital of the nation when threatened or when required by a grave necessity, until either the danger or the necessity ceases.

5. To exile or expel, in case of foreign invasion, all those suspected of favoring it, and to take the same action, with the advice of the Council of State, in regard to those suspected of taking part in any conspiracy or internal disturbance.

The place of exile shall be the chief town of a canton or the capital of a Province. It is forbidden to exile any person to the territory of Oriente or to the Galapagos Archipelago, or compel the exile to travel by unusual or indirect roads.

At the termination of the extraordinary powers all exiles shall recover their liberty, and shall have the right to return without a safe conduct.

If the suspected person should ask for a passport to leave the Republic, his petition shall be granted, and the selection of the route shall be left to him; but as soon as the extraordinary powers cease he shall have the right to return freely.

The proceedings of the preceding paragraphs shall not be construed so as to prevent any suspected person from being tried before the courts and punished, if convicted, for offenses committed, unless they have been pardoned.

If the sentence be condemnatory, the period of imprisonment previous to the conviction shall be deducted from the penalty.

6. To arrest all persons suspected of favoring foreign invasion or internal disturbance, or of taking part in the same; but the arrested persons shall be placed at the disposal of the court of competent jurisdiction, together with all the papers relating to the case, within the period of three days.

The executive power may, however, order the exile of the suspected persons during the same three days.

7. To admit into the service of the Republic, in case of foreign war, such foreign auxiliary troops as may be allowed by treaties.

8. To declare any port of the Republic a temporary port of entry.

9. To dispose of the public moneys even when appropriated for other purposes, except when belonging to public instruction, hospitals, quarantine establishments, and charitable institutions.

Art. 95. The powers granted the executive under the preceding article shall not extend beyond the time, place, and object indispensable for the re-establishment of the peace or safety of the Republic, and it shall be so stated in the decree of concession. The executive shall report to Congress at its first meeting, within the first eight days, the use which has been made of these powers.

As soon as the danger ceases, the Council of State shall declare, upon its own responsibility, that the extraordinary powers have terminated.

Art. 96. The executive may delegate these powers, with the advice of the Council of State, to the governors of Province only, but the latter shall not have, in this case, power to exile or expel without an order of the executive.

The executive and the authorities intrusted with the enforcement of its orders shall be directly responsible for any excess they may commit.

The authorities spoken of in the foregoing paragraph shall be responsible also for the enforcement of an order of the executive given in excess of its powers.

### Section III.—The Members of the Cabinet.

Art. 97. The President of the Republic shall be assisted in the exercise of his functions by the Secretaries of State which the law may provide.

Art. 98. The Secretaries of State shall have the same qualifications as Senators.

Art. 99. All decrees orders, or decisions of the executive shall be signed by the Secretary of State for the respective department; and if not signed, they shall be null and void, and shall not be obeyed by any agent of the government or by any private person or authority. The appointment or removal of the Secretaries themselves is excepted from this rule.

Art. 100. The Secretaries of State shall be held responsible in the cases spoken of in articles 91 and 92, and also for violation of law, bribery, collusion, and embezzlement of public funds; countersigning decrees or decisions of the executive issued without the advice of the Council of State, when this advice is required by the Constitution and the laws, and for delaying the execution of valid decrees or not having been vigilant in their enforcement. An order, either verbal or in writing, from the executive shall not exempt from responsibility the Secretaries of State.

Art. 101. The Secretaries of State shall transmit to the legislative chambers, with the knowledge of the executive, all the information which they may be asked to furnish in regard to matters belonging to their respective departments, unless, in the judgment of the executive, such matter should be kept in reserve. The report on the latter shall be made in secret session.

Art. 102. The Secretaries of State shall present to Congress, when assembled in ordinary session and during the first six days of its meetings, a written report on the state of business of their respective departments, and shall propose whatever they may deem advisable to improve the condition of the same. They may take part, but shall not vote, in the discussions of the bills introduced in Congress by the executive, and they shall appear before either chamber when summoned.

Art. 103. The Secretary of the Treasury shall submit, furthermore, to Congress, when assembled in ordinary session and during the first twenty days of its being assembled, a schedule of the national revenues and the estimates of revenues and expenditures for the following year.

Section IV.—The Council of State.

Art. 104. In the capital of Ecuador there shall be a Council of State, consisting of the Vice-President of the Republic, the Secretaries of State, the Attorney-General of the Supreme Court, two Senators, one Deputy, an ecclesiastic, and three private citizens, with the qualifications necessary to be a Senator. Congress shall elect, in its biennial meeting, the seven Councilmen last named, who may be re-elected indefinitely. The Council shall be presided over by the Vice-President of the Republic, and in his absence by the Attorney-General of the Supreme Court, and in the absence of the latter by such other member of the Council as may be elected by his colleagues.

The Secretaries of State shall have no vote in the granting of extraordinary powers.

Art. 105. The President of the Republic, or the acting chief magistrate, shall consult the Council of State before approving or disapproving the acts of Congress or any other legislative decree, calling Congress to convene in extraordinary session, asking Congress to pass a decree authorizing him to declare war, or appointing the Governor of a Province.

The Council of State shall also give its opinion in all cases provided by law, or when the President of the Republic or the acting chief magistrate may ask it.

Art. 106. It belongs to the Council of State:

1. To grant or refuse the executive, when Congress is not in session, and upon its own responsibility, extraordinary powers, or to withdraw them as soon as the danger has passed.

2. To prepare any bill of complaint to be presented to Congress against the Justices of the Supreme Court.

3. To elect, when Congress is not in session, persons to fill the position of Councilor of State, except the Vice-President of the Republic, the Secretaries of State, and the Attorney-General of the Supreme Court.

4. To exercise all other powers conferred upon it by the Constitution and the laws.

## TITLE VIII.

*The Judicial Power.*

Art. 107. The judicial power is vested in one Supreme Court, the Superior Courts, the jury, and all the other tribunals and courts established by the Constitution and the laws.

Art. 108. To be a justice of the Supreme Court, it is required to be a citizen in the exercise of the rights of citizenship, over thirty-five years of age, and a lawyer of good standing, having practiced law for not less than eight years.

Art. 109. To be a justice of a Superior Court, it is required to be an Ecuadorian in the exercise of the rights of citizenship, over thirty years of age, and a lawyer of good standing, having practiced law for not less than five years.

Art. 110. Congress shall elect, by absolute majority of votes, the justices of the Supreme Court, of the Tribunal of Accounts, and of the Superior Court. If Congress is not in session the Supreme Court shall take cognizance of the requests for excuse and of the resignations made or tendered by either its own members or the members of the Superior Courts, and shall elect the officials who must serve in their place. The Tribunal of Accounts has the same power in regard to its members.

Art. 111. The law shall provide the number of associate justices of the Supreme Court, the Superior Courts; and the Tribunal of Accounts. It shall establish, also, the province or provinces over which they shall have jurisdiction and the powers and faculties belonging to them. It shall also provide to the same effect in regard to the courts of the first instance, and fix the manner of appointing the judges and the time during which they shall serve.

Art. 112. The justices of the Supreme Court may be present at the discussion of the bills introduced in Congress by order of their court.

Art. 113. No case shall be conducted through more than three instances. The tribunals and courts shall always state the ground for their decisions, unless when called upon to pass on facts only.

Art. 114. The justices and judges are responsible, in the manner and form provided by law, for their judicial action. They cannot be suspended except upon a judicial decree setting forth the reason for the suspension, nor can they be removed unless by judicial sentence.

Art. 115. The justices of the Supreme Court, of the Tribunal of Accounts, and of the Superior Courts shall serve for six years, and can be re-elected indefinitely. They cannot accept any position within the free gift of the executive, even if they resign their judicial position. This provision will continue one year after the date of the resignation.

## TITLE IX.

### *The Home Government.*

Art. 116. The territory of the Republic shall be divided into Provinces, cantons, and parishes.

Art. 117. In each Province there shall be a Governor, who shall be the immediate agent of the executive power. Each canton shall have a political chief and each parish a lieutenant. The law shall fix their respective powers.

Art. 118. To attend to the interests of each locality there shall be municipal corporations. The law shall provide for their organization as well as for their functions and powers in everything concerning education and instruction of the inhabitants of the locality, the police, the material improvements, the local taxation, the manner of collecting and disbursing the local revenues, the improvement of the public establishments, and all other objects within their jurisdiction.

Art. 119. No resolution or measure passed by these municipal bodies shall be complied with if in opposition to the Constitution or the laws, and all controversies on this matter arising between the municipal corporation and the political authority shall be decided by the Supreme Court.

Art. 120. The Province of Oriente, the Archipelago of Galapagos, and, in general, all other places which, either from their distance or their isolation, cannot be governed by the general laws, shall be governed by a special law.

## TITLE X.

### *The National Forces.*

Art. 121. For the defense of the Republic and the preservation of order there shall be a standing army and a national guard.

Art. 122. Military jurisdiction and power shall be exercised only upon persons purely military in active service.

Art. 123. Neither the President of the Republic nor any other authority shall have the power to appoint or pay a greater number of Generals or Colonels than that established in an expressed and individual manner by the National Congress or by a Constitutional Assembly. Otherwise, either he or the authority above referred to shall incur responsibility.

Art. 124. Neither the President of the Republic nor any other authority shall have the power, without incurring responsibility, of recognizing or paying any other chiefs or officials than those who have been already appointed or approved by a constitutional government, or shall be in the future.

Art. 125. Congress shall not grant any rank superior to that of general, nor shall it approve the granting of the rank of general or colonel without first examining the respective merits of the appointee.

Art. 126. No person belonging to the army shall receive salary except when in active service. It is therefore forbidden to place anyone on the retired list with pay. But this prohibition shall not apply to those who are already on the said list and are over sixty years of age, or have been in active service for twenty years.

Art. 127. The armed force is, by its nature, an obedient and not a deliberate body; but the military authorities are not bound to comply with any order intended to overthrow the high national powers or manifestly issued in violation of the Constitution.

Art. 128. No armed body shall make requisition upon or ask assistance of any person, except a civil authority, and in the manner provided by law.

Art. 129. The armed force shall be formed by voluntary enlistment, or by contingents furnished by the Provinces, which shall call to arms all those who, according to law, are bound to do military service.

## TITLE XL

### *General Provisions.*

Art. 130. No payment shall be made by the treasury unless Congress has authorized it by a proper appropriation, nor shall any payment be made in excess of the amount appropriated.

Art. 131. No person or body shall simultaneously exercise political and military or judicial authority.

Art. 132. All officials on taking possession of their places shall take an oath to support and defend the Constitution and to comply with their official duties.

Art. 133. No person shall receive two salaries out of the National Treasury.

Art. 134. The salaries established by law for the President and Vice-President of the Republic, for the justices of all tribunals and courts, and for the Deputies, as well as the mileage to which the latter are entitled, cannot be increased or decreased during their own constitutional period, unless the change is to take effect in another period.

Art. 135. Whenever the Republic is threatened by a foreign war, no Ecuadorian shall be allowed to relinquish his citizenship or accept office in another nation.

## TITLE XII.

### *Amendments to the Constitution.*

Art. 136. Whenever the Chambers, by absolute majority, may deem it advisable to reform the Constitution, a proposition to that effect shall be introduced in Congress, in order that it be considered when the renovation spoken of in articles 57 and 58 has taken place; and if at that time the Chambers, by absolute majority, acting in conformity with the provisions of section 6 of title VI, approve it, the amendment shall be then made part of the Constitution.

## TITLE XIII.

### *Transient Provisions.*

Art. 137. The Constitutional Convention shall have the power, even after the promulgation of the Constitution, to issue laws, decrees, or resolutions, and exercise all the other faculties enumerated in article 62.

Art. 138. The Assembly (Constitutional Convention) shall elect, by secret vote and by absolute majority, the President and Vice-President of the Republic, the members of the Council of State, the justices of the Supreme Court, of the Tribunal of Accounts, and of the Superior Court.

Instead of the two Senators and Deputies mentioned in article 104, the Assembly shall elect three of its own members to be Councillors of State.

Art. 139. The President and Vice-President of the Republic elected in the manner and form provided by the foregoing article, shall vacate their offices, respectively, on the 13th of June, 1888, and the 30th of June, 1886; and both officials, as well as the justices of the tribunals and courts and the Senators and Deputies, shall be paid such salaries as may be established by law enacted by the National Assembly.

Art. 140. The last annual Congress shall meet on the 10th of June, 1888, and the first biennial Congress shall meet on the 10th of June, 1890.

Constitutional and Organic  
**LAWS OF FRANCE,**

TRANSLATED WITH

AN HISTORICAL INTRODUCTION

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By CHARLES F. A. CURRIER,

Massachusetts Institute of Technology.

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## CONSTITUTION OF THE REPUBLIC OF FRANCE.

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The news of the battle of Sedan reached Paris September 3, 1870; the Empress, whom the Emperor had left in charge of affairs of State, summoned the Corps Legislatif to meet at midnight. After sitting twenty minutes it adjourned until the following noon. At this second session three propositions were under consideration; one from Jules Favre, divesting Napoleon III and his house of power, and providing for the appointment of a governing commission by the Corps Legislatif; a second, from the Prime Minister, Count Palikao, for the creation of a council; and a third from Thiers, somewhat similar to Favre's, but with an additional provision for the early election of a constituent assembly. While the Deputies were assembled in their bureaux to choose a committee to whom these measures should be submitted, a Parisian mob filled the chamber, demanding the overthrow of the Empire and the proclamation of a Republic. It was impossible to restore order, and many of the deputies left the hall. The opposition remained in possession of the field, and under the leadership of Gambetta and Favre the crowd marched to the Hotel de Ville, where the Republic was proclaimed and a provisional government, composed chiefly of Deputies of Paris, was formed, Sunday, September 4, 1870. Everything passed off very calmly and smoothly; not a shot was fired nor a drop of blood shed; the Paris Deputies simply took the government into their own hands, and the people acquiesced; the Republic was likewise proclaimed at Lyons, Bordeaux, Marseilles, Nantes, and other places, but these cities were not jealous of the authority assumed by the capital, since most of the leading Republicans were from Paris.

This new government of the National Defense had no thought of clinging arbitrarily to the power upon which it had seized. September eight it issued a decree fixing for October sixteen the election of a national constituent assembly of 750 members; September sixteen the election was set for October second, but the events of war multiplied so fast, and the investment of Paris followed so quickly, that on September twenty-three the elections had to be indefinitely postponed. The government was recognized by the United States, Italy, Switzerland, Spain and Portugal; other countries did not go so far as to recognize it officially, but they kept up relations, nevertheless, with Favre, Minister of Foreign Affairs. Bismarck, however, refused for a considerable time to have anything to do with the government of the National Defense, the Messieurs du Pave, as he called it; but eventually he consented to treat with it concerning the preliminaries of peace, stipulating that a National Assembly should

be elected for the negotiation and ratification of the definite treaty. Decrees of January twenty-nine and February one and two, issued by the government, fixed upon February eight for the election of a National Assembly of 768 members; it was not called a "constituent" assembly, and this fact gave rise to much discussion later on when the question arose whether this body was empowered and authorized to give France a Constitution. The voters were not restricted in their choice of representatives; limitations urgently insisted upon by Gambetta were overruled by the other ministers, in consequence of which Gambetta resigned. It is difficult to state accurately the political complexion of the National Assembly of 1871 to 1876; at first there were apparently about thirty Imperialists, with a pretty even division of the balance of the members among Orleanists, Republicans and Legitimists, in the order named. But in the twenty-five supplementary elections which were held between July 2, 1871, and July 4, 1875, the Republicans made constant gains, though they never reached a majority in the Assembly.

*Government of Thiers.*

February 13, 1871, the National Assembly met at Bordeaux, and into its hands the government of the National Defense surrendered the powers which it had itself been exercising up to this time. Grevy, a moderate Republican, but a man acceptable to all parties, was chosen President of the Assembly; he and one of the secretaries were the only Republican members of the bureau of fourteen; of the other twelve, Orleanists outnumbered Legitimists. Thiers had been elected deputy by twenty-six of the twenty-eight departments, a fact indicating that he more than any other man was looked to by the country to rescue it from its present trials and dangers. The Assembly ratified the choice of the people by making him, February seventeen, Chief of the Executive Power of the French Republic, a title changed on the last day of the following August to President of the French Republic. This law of August 31, 1871, provided that Thiers should continue to enjoy the power conferred upon him by the decree of February seventeen, his power to be exercised "sous l'autorité de l'Assemblée Nationale, tant qu'elle n'aura pas terminé ses travaux;" that the president should promulgate and execute the laws; he should be heard by the National Assembly whenever he wished to speak, and had given notice to the President of the Assembly; he was to choose and dismiss ministers, and his official acts were to be countersigned by a minister; finally "the President of the Republic is responsible to the Assembly."

Thiers was an Orleanist, a Constitutional Monarchist; in the course of a speech delivered March twenty-seven, he said:

"We found the Republic already established, a fact of which we are not the authors," but nevertheless he would do nothing to destroy it. As he remarked in a famous speech of March ten: "Why has no one proposed to the Assembly to declare itself constituent? You are sovereign, as sovereign of any government has ever been; at the same time, the Assembly prefers to attend to what is urgent, and so, instead of establishing, chooses to limit itself to reorganizing; it simply reserves its power, its sovereignty; when the choice finally does come, it must be between constitutional monarchy and a Republic; monarchy by divine right and an empire are

both out of the question." Such was the opinion of Thiers in the spring of 1871; for the time being he let the Republic continue; as a definitive government his own choice would be in favor of constitutional monarchy. But in course of time the views of Thiers on this subject underwent a change.

During the nearly four weeks that the National Assembly sat at Bordeaux several important results were accomplished by it. Thiers was elected to the head of the government almost unanimously, Napoleon III and his dynasty were expelled from France with only six dissenting votes, and preliminaries of peace with Germany were agreed to by a vote of 546 to 107, notwithstanding the severe terms imposed by the conqueror. The executive and ministerial departments were located at Paris, and hence it was quite inconvenient that the Legislature should be at Bordeaux; radicals wished to return to Paris, but conservatives were unwilling to do this for the present, so the proposal to return to the capital was rejected, 427 to 154: and Versailles chosen instead by a vote of 461 to 104; the Assembly met there for the first time March twenty. Meanwhile, the Commune had asserted itself at Paris and a new difficulty was thus added to the many trials confronting the government.

In announcing his cabinet Thiers had said: "*Pacifier, reorganizer, relever le credit, ranimer le travail, volla la seule politique possible et meme concevable en ce moment.*" The years 1871 to 1873 were peculiarly trying ones, and it was fortunate for France that a man of such tact, wisdom, and devotion as Thiers was at hand. He was much hampered by the divisions existing in the Assembly; he needed the support of at least two of the leading groups in order to carry through his measures. The Imperialists were not recognized in the formation of his ministry, and the Legitimists exercised only a small influence; the Orleanists preponderated, while the Republicans were represented by such leaders as Favre, Picard and Simon. Thiers was not only Chief of the Executive Power, or, according to the later title of the office, President of the Republic, but he was also virtually Prime Minister; he took a prominent part in all the debates in the National Assembly, supporting or opposing measures as the case might be, and directing the general policy of the government. In this respect he differed radically from all subsequent Presidents, who have taken no immediate part in parliamentary proceedings; his fall from power May 24, 1873, was rather the overthrow of a Prime Minister, even though it was strictly, to be sure, that of a President; the forced resignation of MacMahon and Grevy, on the other hand, were purely presidential crises.

After the National Assembly had, May 18, 1871, ratified the definite treaty with Germany, by a vote of 433 to 98, it was urged by some that the work of the Assembly was done, that the object for which the delegates had been chosen was accomplished, and that they should now terminate their powers and provide for the election of a new body to be charged with the duty of providing France with a permanent government and a constitution. On the other hand it was argued that the decrees of January and February had in no respect whatever indicated why the Assembly was summoned; although it was patent that the settlement of terms of peace with Germany was to be one of its

chief duties, there was nothing suggesting or requiring that it should stop there; elected by universal suffrage it represented the will of the Nation and the sovereignty of the people; it was truly a constituent body, even though that word was not contained in the election decrees. And this was the view that prevailed. From the summer of 1871 up to the very eve of the enactment of the constitutional laws in 1875, constant effort was made to secure a dissolution of the existing Assembly and the election of a new one; the outright Republicans recognized that they were in a hopeless minority in the Assembly, while at the same time they saw, in the supplementary parliamentary elections and in the local elections, that the country was drifting rapidly and inevitably in their direction; they feared that the men chosen in 1871 would set up monarchical, or at best too conservative, institutions, while a new body, selected in 1873 or 1874, would almost certainly have given to the Left a clear majority, and thus insured liberal, popular government.

As already indicated, Thiers at first favored constitutional monarchy, but little by little he, like many other moderate Orleanists, became converted to a belief in a conservative republic; and at length, in a memorable message of November 13, 1872, he said: "The Republic exists; it is the legal government of the country; to wish for anything else would be a new revolution, and the most formidable of all;" and he went on to urge that Republic, conservatively organized, should be made permanent. November twenty-ninth, Thiers remarked in the course of a speech: "If, like the sculptor who has the plastic clay in his hands, I had been able to fashion my country, I would have made of it an England and not an America;" but he recognized what was the true desire of France, as seen in the elections and in other ways, and, therefore, advocated a Republic; as a matter of fact, he added, monarchy was impossible, for there were three contending houses and no two were willing to submit to the third. Herein Thiers touched the keynote of Republican hopes; with three rival factions struggling for a throne and no two able to agree upon who should occupy it, the chances for the establishment of a Republic grew markedly brighter; with the Right thus hopelessly divided, the Left needed merely to remain united and persistent in its aims, and trust to further accessions to make its cause triumphant.

Monarchists were not pleased with Thiers' outspoken utterances of November thirteenth; the message was made at once the subject of discussion, and about two weeks later a committee of thirty was appointed to submit a bill on the public powers and ministerial responsibility. This committee reported February 21, 1873, through the Duc de Broglie; de Broglie spoke of the frequent conflicts between the Assembly and the President of the Republic during the preceding two years; the Assembly was sovereign, but Thiers was the eminent and valuable representative of France before the world; to allow him to resign or to permit him to exercise unrestrained authority, these seemed to be the only alternatives, and both were unfortunate; there was need, therefore, of a law to define more exactly the powers of the President and his relations to the Assembly. The theory of ministerial responsibility, said de Broglie, was laid down in principle in the law of August

31, 1871; now in the present Republic the situation was different from that of a constitutional monarchy, like England, or that of a republic, like the United States; in both cases the executive head of the State was entirely outside parliament; but in France it was not so. Thiers retained his seat as deputy, even though at the same time he was President of the Republic, and, he would not renounce his right of debate; when he took part in discussion he was the chief and almost only representative of his policy; "the ministers disappeared behind him, and their responsibility, covered by his own, appeared no longer more than nominal;" if one could not ask the President to efface himself entirely from the parliamentary discussions, he ought at least to confine himself "to rare and important occasions;" the President should participate only when leading questions were concerned, when the interests of the State or his own honor was at stake, leaving to the ministers to represent the general policy of the government and to care for the ordinary course of affairs. The report closed by recommending a bill which, together with the report, occupied nearly the whole attention of the Assembly from February twenty-seventh to March thirteenth, when the measure was passed. The provisions of the bill were to a certain extent a compromise agreeable both to the committee and the government; Thiers gave his complete adhesion in a speech of March fourth.

The law of March 13, 1873, was in substance as follows: First, the National Assembly reserved in their integrity the constituent powers belonging to it. Second, the President should communicate with the Assembly by messages to be read by the ministers; he might himself be heard from the tribune when he thought it necessary, provided he previously gave notice by message; the sitting should be suspended after he had finished speaking, and discussion resumed in his absence only. Third, the President might, under certain conditions, demand a reconsideration of measures proposed in the Assembly; this suspensive veto, however, was not to apply to "urgency" bills nor to constitutional bills. Fourth, on interpellations relating to foreign affairs the President was to be heard, while to those relating to internal affairs the ministers alone were to reply; if, however, the ministers declared that the question raised involved the general policy of the government and the responsibility of the President, then he should be allowed to speak, under the conditions enumerated above. Finally, the Assembly announced that it would not dissolve until it had enacted, first, a law regulating the organization and transmission of the legislative and executive powers; second, a law on a second chamber; third, an electoral law; and the committee on public powers was to lay before the Assembly bills on these subjects. It was the final article of the bill, relating to the enactment of constitutional laws, that aroused the greatest opposition; the Republicans were as desirous as ever that this subject should be intrusted to an Assembly elected specially for the purpose; but the article was agreed to by a vote of 380 to 226, and the bill as a whole by a vote of 407 to 225.

About ten weeks later Thiers was overthrown; the Right had forced the President to reorganize the Cabinet, but they were dissatisfied with

the way in which he had done it; the question was, therefore, primarily ministerial, but Thiers made it presidential. He defended his policy and acts vigorously, and would probably have won the day had it not been for that article of the law of March thirteenth, which provided that the general discussion should be carried on in his absence from the Assembly. An order of the day moved by the government was lost by a majority of fourteen, and one opposed by it was carried by a majority of sixteen, on a total vote of more than seven hundred in each case. Thiers immediately resigned; his friends moved that the resignation be not accepted, but this was lost by a vote of 331 to 362. MacMahon was at once elected to the presidency without opposition, since the Left abstained from voting. May 24, 1873, thus marks the first exercise of presidential unmaking by parliament.

# CONSTITUTION OF THE REPUBLIC OF FRANCE.

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February 25, 1875.—On the Organization of the Public Powers.

## Article.

1. Legislative power.—Two houses. Election of Chamber of Deputies.—Composition and election of Senate.
2. Election and term of President.
3. Powers of President.
4. Appointment and dismissal of Councillors of State.
5. Dissolution of the chambers by the President.
6. Responsibility of ministers; of the President.
7. Election of a new President in cases of vacancy.—Executive power until such election.
8. Revision of the constitutional laws.
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February 24, 1875.—On the Organization of the Senate.

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4. Manner of electing Senators chosen by the departments and colonies.
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6. Term of Senators elected by the departments and colonies.—Renewal by thirds.
7. Term of Senators elected by the Assembly.—Vacancies.
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9. Judicial powers of the Senate.
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July 16, 1875.—On the Relations of the Public Powers.

1. Date for assembling of Senate and Chamber.—Length of session.—(Public prayers.)
2. Closure of session by President.—Rights and duty of President in regard to convening and adjourning the chambers.
3. Meeting of chambers in National Assembly to elect a new President.—Case of death or resignation of President.—Case of vacancy in Presidency during a dissolution of the chamber.
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8. Treaties, negotiation and ratification of.—Vote of chambers on certain treaties.—Cession, exchange or annexation of territory.
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13. Freedom of members from responsibility for opinions or votes.

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1. Article 9 repealed.

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1. Amendment of paragraph 2 of article 5 of the law of February 25, 1875.

2. Addition to paragraph 3 of article 8 of the same law.—Revision of republican form of government prohibited.—Persons ineligible to presidency.

3. Articles 1-7 of law of February 24, 1875, no longer constitutional in character.

4. Repeal of paragraph 3 of article 1 of the law of July 16, 1875.

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2. Election of one delegate by each municipal council and of one alternate.—Persons ineligible and persons eligible to election as delegates.

3. Election in communes where municipal committees exist.

4. Notification of and acceptance by delegate.

5. Official report of election.

6. Statement of results of election.—Rights of electors to obtain lists of municipal councillors.

7. Protests against legality of elections.—Request of prefect to have election set aside.

8. Decision of legality of election.—Case of annulment of election of delegate.—Case of annulment of election of both delegate and alternate.

9. Arrangement of list of electors.

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11. Composition of electoral college in Algeria.

12. Bureau of electoral college.

13. Duties of bureau.

14. Hours for balloting.—Determination and announcement of results of balloting.

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16. I-III. Rules for political meetings for nomination of Senators.

17. Remuneration of delegates.

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19. Punishment of attempts to influence electors by corrupt methods.

20. I-III. Offices incompatible with that of Senator.

21. I-XII. Persons ineligible to election as Senators.

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23. Filling of vacancies when the number of Senators in a department is reduced to one-half.

24. Election of Senators by National Assembly.

25. Election of successors to Senators chosen by virtue of article 7 of law of February 24, 1875.

26. Salary of Senators.

27. Application of provisions of electoral law to elections of Senators.

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29. Cases in which provisions of article 21 shall not and shall apply.

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- peals.—Time the electoral lists shall serve.
2. Restriction on soldiers' voting.
3. Posting and distribution of circulars and platforms.—Distribution of ballots.—Persons forbidden to distribute circulars, platforms or ballots.—Application of provisions of article 19 of law of August 2, 1875, to election of Deputies.
4. Length of time for and place of balloting.—Date of and rules for second ballot.
5. Method of voting.—Secret ballot.—Deposit of voting list.
6. Persons eligible without tax qualification.
7. Prohibition on soldiers or sailors becoming Deputies.—Exceptions to this rule.
9. Additional exceptions to article 8.
10. Restoration of former office-holders to their office after expiration of term as Deputy.—Right to retiring pension when an office-holder is elected Deputy.—Regulation of such pension.—Laws to apply to officials restored to office.—Retention of rank when public office is given up by Deputy.
11. Deputies cease to be such when appointed to salaried public position.—Re-election as Deputy.—Exceptions to first paragraph.
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14. Election by single districts.—Distribution of Deputies.
15. Term of Deputies.
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22. Fine for violation of paragraph 3 of article 3.—Extension of application of provisions of article 6 of law of July 7, 1874.—Repeal of certain decrees and laws.—Constitution in force of laws not in conflict with this.
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1. Seat of executive power and chambers.
2. Palaces assigned to Senate and chamber.—Right to choose other places.
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1. Number of Senators.—Term of present Senators.
2. Distribution of Senators among the departments and colonies.
3. Process to be followed in departments where there is an increase in the number of Senators.—Term of office of the new Senators.
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5. Soldiers ineligible to election as Senators.—I-IV. Exceptions to the above.
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7. Term of Senators.—Triennial renewal of Senate.
8. Amendments to certain articles, etc., in law of August 2, 1875.
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Establishment of right to a retiring pension.

June 16, 1885.—Amending the Electoral Law.

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2. Distribution of Deputies.
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5. Necessity of a majority on the first ballot or a plurality on the second.—Choice in case of a tie.
6. Date for general elections.
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December 26, 1887.—On Parliamentary Incompatibilities.

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February 13, 1889.—Re-establishing Single Districts for the Election of Deputies.

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1. Repeal of certain articles of law of June 16, 1885.
2. Single districts.—Size of districts.
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July 17, 1889.—On Multiple Candidatures.

1. Prohibition on multiple candidatures.
2. Declaration of district for which one is candidate.
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4. Prohibition against aiding candidates who have violated this law.
5. Throwing out of ballots for such candidates and seizure of their placards, etc.
6. Fine on candidates and others violating this law.

**LAW ON THE ORGANIZATION OF THE PUBLIC POWERS.**

February 25, 1875.

**Article 1.** The legislative power is exercised by two assemblies: The Chamber of Deputies and the Senate:

The Chamber of Deputies is elected by universal suffrage, under the conditions determined by the electoral law.

The composition, the method of election, and the powers of the Senate shall be regulated by a special law.

**Art. 2.** The President of the Republic is chosen by an absolute majority of votes of the Senate and Chamber of Deputies united in National Assembly.

He is elected for seven years. He is re-eligible.

**Art. 3.** The President of the Republic has the initiative of the laws, concurrently with the members of the two chambers.

He promulgates the laws when they have been voted by the two chambers; he looks after and secures their execution.

He has the right of pardon; amnesty can be granted by law only.

He disposes of the armed force.

He appoints to all civil and military positions.

He presides over national festivals; envoys and ambassadors of foreign powers are accredited to him.

Every act of the President of the Republic must be countersigned by a minister.

Art. 4. As vacancies occur on and after the promulgation of the present law, the President of the Republic appoints, in the Council of Ministers, the Councilors of State in ordinary service.

The Councilors of State thus chosen may be dismissed only by decree rendered in the Council of Ministers.

The Councilors of State chosen by virtue of the law of May 24, 1872, cannot, before the expiration of their powers, be dismissed except in the manner determined by that law. After the dissolution of the National Assembly, revocation may be pronounced only by resolution of the Senate.

Art. 5. The President of the Republic may, with the advice of the Senate, dissolve the Chamber of Deputies before the legal expiration of its term.

In that case the electoral colleges are summoned for new elections within the space of three months.

Art. 6. The Ministers are jointly and severally (*solid-airément*) responsible to the chambers for the general policy of the government, and individually for their personal acts.

The President of the Republic is responsible in case of high treason only.

Art. 7. In case of vacancy by death or for any other reason, the two chambers assembled together proceed at once to the election of a new President.

In the meantime the Council of Ministers is invested with the executive power.

Art. 8. The Chambers shall have the right by separate resolutions, taken in each by an absolute majority of votes, either upon their own initiative or upon the request of the President of the Republic, to declare a revision of the Constitutional laws necessary.

After each of the two chambers shall have come to this decision, they shall meet together in National Assembly to proceed with the revision.

The acts effecting revision of the Constitutional laws, in whole or in part, must be by an absolute majority of the members composing the National Assembly.

During the continuance, however, of the powers conferred by the law of November 20, 1873, upon Marshal de MacMahon, this revision can take place only upon the initiative of the President of the Republic.

Art. 9. The seal of the executive power and of the two chambers is at Versailles.

### LAW ON THE ORGANIZATION OF THE SENATE.

February 24, 1875.

Article 1. The Senate consists of three hundred members:

Two hundred and twenty-five elected by the departments and colonies, and seventy-five elected by the National Assembly.

Art. 2. The departments of the Seine and of the Nord elect each five Senators.

The following departments elect four Senators each: Seine-Inferieure, Pas-de-Calais, Gironde, Rhone, Finistere, Cotes-du-Nord.

The following departments elect three Senators each: Loire-Inferieure, Saone-et-Loire, Ile-et-Vilaine, Seine-et-Oise, Isre, Puy-de-Dome, Somme, Bouces-du-Rhone, Aisne, Loire, Manche, Main-et-Loire, Morbihan, Dordogne, Haute-Garonnez, Charente-Inferierue, Calvados, Sarthe, Herault, Basses-Pyrenees, Gard, Aveyron, Vendee, Orne, Oise, Vosges, Allier.

All the other departments elect two Senators each.

The following elect one Senator each: The Territory of Belfort the three departments of Algeria, the four colonies: Martinique, Guadeloupe, Reunion and the French Indies.

Art. 3. No one can be Senator unless he is a French citizen, forty years of age at least, and enjoying civil and political rights.

Art. 4. The Senators of the departments and colonies are elected by an absolute majority and by scrutin de liste, by a college meeting at the capital of the department or colony and composed:

1. Of the Deputies.
2. Of the General Councilors;

3. Of the *arrondissement* Councilors;

4. Of delegates elected, one by each municipal council, from among the voters of the commune.

In the French Indies the members of the Colonial Council or of the local councils are substituted for the general councilors, *arrondissement* councilors and delegates from the municipal councils.

They vote at the capital of each district.

Art. 5. The Senators chosen by the Assembly are elected by *scrutin de liste* and by an absolute majority of votes.

Art. 6. The Senators of the departments and colonies are elected for nine years and renewable by thirds every three years.

At the beginning of the first session the departments shall be divided into three series containing an equal number of Senators each. It shall be determined by lot which series shall be renewed at the expiration of the first and second triennial periods.

Art. 7. The Senators elected by the Assembly are irremovable.

Vacancies by death, by resignation, or for any other reason, shall within the space of two months, be filled by the Senate itself.

Art. 8. The Senate has, concurrently with the Chamber of Deputies, the initiative and passing of laws. Money bills, however, must first be introduced in, and passed by the Chamber of Deputies.

Art. 9. The Senate may be constituted a Court of Justice to judge either the President of the Republic or the Ministers, and to take cognizance of attacks made upon the safety of the State.

Art. 10. Elections to the Senate shall take place one month before the time fixed by the National Assembly for its own dissolution. The Senate shall organize and enter upon its duties the same day that the National Assembly is dissolved.

Art. 11. The present law shall be promulgated only after the passage of the law on the public powers.

## LAW ON THE RELATION OF THE PUBLIC POWERS.

July 16, 1875.

Article 1. The Senate and the Chamber of Deputies shall assemble each year the second Tuesday of January, unless convened earlier by the President of the Republic.

The two chambers continue in session at least five months each year. The sessions of each begin and end at the same time.

On the Sunday following the opening of the session, public prayers shall be addressed to God in the churches and temples, to invoke His aid in the labors of the chambers.

Art. 2. The President of the Republic pronounces the closure of the session. He may convene the chambers in extra session. He must convene them if, during the recess, an absolute majority of the members of each chamber request it.

The President may adjourn the chambers. The adjournment, however, must not exceed one month, nor take place more than twice in the same session.

Art. 3. One month at least before the legal expiration of the powers of the President of the Republic, the chambers must be called together in National Assembly and proceed to the election of a new President.

In default of a summons, this meeting shall take place, as of right, the fifteenth day before the expiration of those powers.

In case of the death or resignation of the President of the Republic, the two chambers shall reassemble immediately, as of right.

In case the Chamber of Deputies in consequence of Article 5, of the law of February 25, 1875, is dissolved at the time when the presidency of the Republic becomes vacant, the electoral colleges shall be convened at once, and the Senate shall reassemble as of right.

Art. 4. Every meeting of either of the two chambers shall be held at a time other than the common session of both is illegal and void, except the case provided for in the preceding article, and that when the Senate meets as a Court of Justice; and in this last case, judicial duties alone shall be performed.

Art. 5. The sittings of the Senate and of the Chamber of Deputies are public.

Nevertheless each chamber may meet in secret session, upon the request of a fixed number of its members, determined by the rules.

It decides by absolute majority whether the sitting shall be resumed in public upon the same subject.

Art. 6. The President of the Republic communicates with the chambers by messages, which are read from the tribune by a minister.

The ministers have entrance to both chambers, and must be heard when they request it. They may be represented, for the discussion of a specific bill, by commissioners designated by decree of the President of the Republic.

Art. 7. The President of the Republic promulgates the laws within the month following the transmission to the government of the law finally passed. He must promulgate, within three days, laws whose promulgation shall have been declared urgent by an express vote in each chamber.

Within the time fixed for promulgation the President of the Republic may, by a message with reasons assigned, request of the two chambers a new discussion, which cannot be refused.

Art. 8. The President of the Republic negotiates and ratifies treaties. He communicates them to the chambers as soon as the interests and safety of the State permit.

Treaties of peace and of commerce, treaties which involve the finances of the State, those relating to the persons and property of French citizens in foreign countries, shall become definite only after having been voted by the two chambers.

No cession, no exchange, no annexation of territory shall take place except by virtue of a law.

Art. 9. The President of the Republic cannot declare war except by the previous assent of the two chambers.

Art. 10. Each chamber is the judge of the eligibility of its members, and of the legality of their election; it alone can receive their resignation.

Art. 11. The bureau of each chamber is elected each year for the entire session, and for every extra session which may be held before the ordinary session of the following year.

When the two chambers meet together as a national Assembly, their bureau consists of the President, Vice-Presidents and Secretaries of the Senate.

Art. 12. The President of the Republic may be impeached by the Chamber of Deputies only, and tried by the Senate only.

The ministers may be impeached by the Chamber of Deputies for offenses committed in the performance of their duties. In this case they are tried by the Senate.

The Senate may be constituted a court of justice, by a decree of the President of the Republic, issued in the Council of Ministers, to try all persons accused of attempts upon the safety of the State.

If procedure is begun by the ordinary courts, the decree convening the Senate may be issued any time before the granting of a discharge.

A law shall determine the method of procedure for the accusation, trial and judgment.

Art. 13. No member of either chamber shall be prosecuted or held responsible on account of any opinions expressed or votes cast by him in the performance of his duties.

Art. 14. No member of either chamber shall, during the session, be prosecuted or arrested for any offense or misdemeanor, except on the authority of the chamber of which he is a member, unless he be caught in the very act.

The detention or prosecution of a member of either chamber is suspended for the session, and for its (the chamber's) entire term, if it demands it.

#### LAW REVISING ARTICLE 9 OF THE CONSTITUTIONAL LAW OF FEBRUARY 25, 1875.

June 21, 1879.

Article 9 of the constitutional law of February 25, 1875, is repealed.

#### LAW PARTIALLY REVISING THE CONSTITUTIONAL LAWS.

August 14, 1884.

Article 1. Paragraph 2 of article 5 of the constitutional law of February 25, 1875, on the organization of the public powers, is amended as follows:

"In that case the electoral colleges meet for new elections within two months, and the chamber within the ten days following the close of the elections."

Art. 2. To paragraph 3 of article 8 of the same law of February 25, 1875, is added the following:

"The republican form of the government cannot be made the subject of a proposed revision.

"Members of families that have reigned in France are ineligible to the presidency of the Republic."

Art. 3. Articles 1 to 7 of the constitutional law of February 24, 1875, on the organization of the Senate, shall no longer have a constitutional character.

Art. 4. Paragraph 3 of article 1 of the constitutional law of July 16, 1875, on the relation of the public powers, is repealed.

ORGANIC LAWS OF FRANCE.

LAW ON THE ELECTION OF SENATORS.

August 2, 1875.

Article 1. A decree of the President of the Republic, issued at least six weeks in advance, determines the day for the elections to the Senate, and at the same time that for the choice of delegates of the municipal councils. There must be an interval of at least one month between the choice of delegates and the election of Senators.

Art. 2. Each municipal council elects one delegate, The election is without debate, by secret ballot, and by an absolute majority of votes. After two ballots a plurality is sufficient, and in case of an equality of votes, the oldest is declared elected. If the mayor is not a member of the municipal council, he presides, but shall not vote.

On the same day and in the same way an alternate is elected, who takes the place of the delegate in case of refusal or inability to serve.

The choice of the municipal councils shall not extend to a deputy, a general councilor, or an arrondissement councilor.

All communal electors, including the municipal councilors, are eligible without distinction.

Art. 3. In the communes where a municipal committee exists, the delegate and alternate shall be chosen by the old council.

Art. 4. If the delegate was not present at the election, the mayor shall see to it that he is notified within twenty-four hours. He must transmit to the prefect, within five days, notice of his acceptance. In case of refusal or silence, he is replaced by the alternate, who is then placed upon the list as the delegate of the commune.

Art. 5. The official report of the election of the delegate and alternate is transmitted at once to the prefect; it states the acceptance or refusal of the delegates and alternates, as well as the protests raised, by one or more members of the municipal council, against the legality of the election. A copy of this official report is posted on the door of the town hall.

Art. 6. A statement of the results of the election of delegates and alternates is drawn up within a week by the prefect; this is given to all requesting it, and may be copied and published.

Every elector may, at the bureau of the prefecture, obtain information and a copy of the list, by communes, of the municipal councilors of the department, and, at the bureau of the sub-prefectures a copy of the list, by communes, of the municipal councilors of the arrondissement.

Art. 7. Every communal elector may, within three days, address directly to the prefect a protest against the legality of the election.

If the prefect deems the proceedings illegal, he may request that they be set aside.

Art. 8. Protests concerning the election of the delegate or alternate are decided, subject to an appeal to the Council of State, by the council of the prefecture, and, in the colonies, by the privy council.

A delegate whose election is annulled because he does not satisfy the conditions demanded by law, or on account of informality, is replaced by the alternate.

In case the election of the delegate and alternate is rendered void, as by the refusal or death of both after their acceptance, new elections are held by the municipal council on a day fixed by an order of the prefect.

Art. 9. Eight days, at the latest, before the election of Senators, the prefect, and, in the colonies, the Director of the Interior, arranges the list of the electors of the department in alphabetical order. The list is communicated to all demanding it, and may be copied and published. No elector has more than one vote.

Art. 10. The deputies, the members of the general council, or of the arrondissement councils, who have been announced by the returning committees, but whose powers have not been verified, are enrolled upon the list of electors and are allowed to vote.

Art. 11. In each of the three departments of Algeria the electoral college is composed:

- (1) Of the deputies.
- (2) Of the members of the general councils, of French citizenship.
- (3) Of delegates elected by the French members of each municipal council from among the communal electors of French citizenship.

Art. 12. The electoral college is presided over by the President of the civil tribunal of the capital of the department or colony. The President is assisted by the two oldest and two

youngest electors present at the opening of the meeting. The bureau thus constituted chooses a secretary from among the electors.

If the President is prevented (from presiding), his place is taken by the Vice-President (of the civil tribunal), and, in his absence, by the oldest justice.

Art. 13. The bureau divides the electors in alphabetical order into sections of at least 100 voters each. It appoints the president and inspectors of each of these sections. It decides all questions and contests which may arise in the course of the election, without, however, power to depart from the decisions rendered by virtue of article 8 of the present law.

Art. 14. The first ballot begins at 8 o'clock in the morning and closes at noon. The second begins at 2 o'clock and closes at four o'clock. The third, if it takes place, begins at 6 o'clock and closes at 8 o'clock. The results of the ballotings are determined by the bureau and announced the same day by the president of the electoral college.

Art. 15. No one is elected Senator on either of the first two ballots unless he receives: (1) An absolute majority of the votes cast; and (2) a number of votes equal to one-fourth of the total number of electors registered. On the third ballot a plurality is sufficient, and, in case of an equality of votes, the oldest is elected.

Art. 16. Political meetings for the nomination of Senators may take place conformably to the rules laid down by the law of June 6, 1868, subject to the following conditions:

I. These meetings may be held from the date of the election of delegates up to the day of the election (of Senators), inclusive.

II. They must be preceded by a declaration made, at latest, the evening before, by seven senatorial electors of the arrondissement, and indicating the place, the day and the hour the meeting is to take place, and the names, occupation and residence of the candidates to be presented.

III. The municipal authorities will see to it that no one is admitted to the meeting unless he is a deputy, general councilor, arrondissement councilor, delegate, or candidate.

The delegate will present, as a means of identification, a certificate from the mayor of his commune, the candidate a certificate from the official who shall have received the declaration mentioned in the preceding paragraph.

Art. 17. Delegates who take part in all the ballotings shall, if they demand it, receive from the State, upon the presentation of their letter of summons, countersigned by the president of the electoral college, a remuneration for traveling expenses, which shall be paid to them upon the same basis and in the same manner as that given to jurors by articles 35, 90 and following, of the decree of June 18, 1811.

A public administrative regulation shall determine the method of fixing the amount and the method of payment of this remuneration.

Art. 18. Every delegate who, without lawful reason, shall not take part in all the ballotings, or, having been hindered, shall not have given notice to the alternate in sufficient season, shall, upon the demand of the public prosecutor, be punished by a fine of fifty francs by the civil tribunal of the capital.

The same penalty may be imposed upon the alternate who, after having been notified by letter, telegram, or notice personally delivered in due season, shall not have taken part in the election.

Art. 19. Every attempt at corruption by the employment of means enumerated in articles 177 and following, of the Penal Code, to influence the vote of an elector, or to keep him from voting, shall be punished by imprisonment of from three months to two years, and a fine of from fifty to 500 francs, or by one of these two penalties alone.

Article 463 of the Penal Code shall apply to the penalties imposed by the present article.

Art. 20. It is incompatible for a Senator to be:

I. Councilor of State, maitre des requetes, prefect or sub-prefect, except prefect of the Seine and prefect of police.

II. Member of the courts of appeal (appel), or of the tribunals of first instance, except public prosecutor at the court of Paris.

III. General paymaster, special receiver, official or employee of the central administration of the ministries.

Art. 21. The following shall not be elected by the department or the colony included wholly or partially in their jurisdiction during the exercise of their duties and during the six months following the cessation of their duties by resignation, dismissal, change of residence, or other cause:

I. The first presidents, presidents, and members of the courts of appeal (appel).

II. The Presidents, Vice-Presidents, examining magistrates, and members of the tribunals of first instance.

III. The prefect of police; prefects and subprefects, and prefectorial general secretaries; the governors, directors of the interior, and general secretaries of the colonies.

IV. The chief arrondissement engineers and chief arrondissement road surveyors.

V. The school rectors and inspectors.

VI. The primary school inspectors.

VII. The archbishops, bishops, and vicars-general.

VIII. The officers of all grades of the land and naval force.

IX. The division commissaries and the military deputy commissaries.

X. The general paymasters and special receivers of money.

XI. The supervisors of direct and indirect taxes, of registration of lands and of posts.

XII. The guardians and inspectors of forests.

Art. 22. A Senator elected in several departments must let his choice be known to the president of the Senate within ten days following the verification of the elections. If a choice is not made in this time, the question is settled by lot in open session.

The vacancy shall be filled within one month and by the same electoral body.

The same holds true in case of an invalidated election.

Art. 23. If by death or resignation the number of Senators of a department is reduced by one-half, the vacancies shall be filled within the space of three months, unless the vacancies occur within the twelve months preceding the triennial elections.

At the time fixed for the triennial elections, all vacancies shall be filled which have occurred, whatever their number and date.

(Art. 24. The election of Senators chosen by the national Assembly takes place in public sitting, by scrutin de liste, and by an absolute majority of votes, whatever the number of ballotings.

Art. 25. When it is necessary to elect successors of Senators chosen by virtue of article 7 of the law of February 24, 1875, the Senate proceeds in the manner indicated in the preceding article.)

Art. 26. Members of the Senate receive the same salary as members of the Chamber of Deputies.

Art. 27. There are applicable to elections to the Senate all the provisions of the electoral law relating:

I. To cases of unworthiness and incapacity.

II. To offenses, prosecutions and penalties.

III. To election proceedings, in all respects not contrary to the provisions of the present law.

#### TEMPORARY PROVISIONS.

Art. 28. For the first election of members of the Senate, the law which shall determine the date of the dissolution of the national Assembly shall fix, without regard to the intervals established by article 1, the date on which the municipal councils shall meet for the election of delegates and the day for the election of Senators.

Before the meeting of the municipal councils, the national Assembly shall proceed to the election of those Senators whom it is to choose.

Art. 29. The provisions of article 21, by which an interval of six months must elapse between the cessation of duties and election, shall not apply to officials, except prefects and sub-prefects, whose duties shall have ceased either before the promulgation of the present law or within twenty days following.

#### LAW ON THE ELECTION OF DEPUTIES.

November 30, 1875.

Article 1. The Deputies shall be chosen by the voters registered:

I. Upon the lists drawn up in accordance with the law of July 7, 1874.

II. Upon the supplementary list including those who have lived in the commune six months.

Registration upon the supplementary list shall take place conformably to the laws and regulations now governing the political electoral lists, by the committees and according to the forms established by articles 1, 2 and 3 of the law of July 7, 1874.

Appeals relating to the formation and revisions of either list shall be carried directly before the civil chamber of the Court of Appeal (cassation).

The electoral lists drawn up March 31, 1875, shall serve until March 31, 1876.

Art. 2. The soldiers of all ranks and grades, of both the land and naval forces, shall not vote when they are with their regi-

ment, at their post or on duty. Those who, on election day, are in private residence, in non-activity or in possession of a regular leave of absence, may vote in the commune on the lists of which they are duly registered. This last provision applies equally to officers on the unattached list or on the reserve list.

Art. 3. During the electoral period, circulars and platforms (*professions de foi*) signed by the candidates, placards and manifestoes signed by one or more voters, may, after being deposited with the public prosecutor, be posted and distributed without previous authorization.

The distribution of ballots is not subjected to this deposit.

Every public or municipal official is forbidden to distribute ballots, platforms and circulars of candidates.

The provisions of article 19 of the organic law of August 2, 1875, on the elections of Senators, shall apply to the election of Deputies.

Art. 4. Balloting shall continue one day only. The voting occurs at the chief place of the commune; each commune may, nevertheless, be divided, by order of the prefect, into as many sections as may be demanded by local circumstances and the number of voters. The second ballot shall take place the second Sunday following the announcement of the first ballot, according to the provisions of article 65 of the law of March 15, 1849.

Art. 5. The method of voting shall be according to the provisions of the organic and regulating decrees of February 2, 1852.

The ballot is secret.

The voting lists used at the elections in each section, signed by the president and secretary, shall remain deposited for eight days at the secretary's office at the town hall, where they shall be communicated to every voter requesting them.

Art. 6. Every voter is eligible, without any tax qualification, at the age of twenty-five years.

Art. 7. No soldier or sailor forming part of the active forces of land or sea may, whatever his rank or position, be elected a member of the Chamber of Deputies.

This provision applies to soldiers and sailors on the unattached list or in non-activity, but does not extend to officers of the second section of the list of the general staff, nor to those who, kept in the first section for having been commander-in-chief in the field, have ceased to be employed actively, nor to officers

who, having privileges acquired on the retired list, are sent to or maintained at their homes while awaiting the settlement of their pension.

The decision by which the officer shall have been permitted to establish his rights on the retired list shall become, in this case, irrevocable.

The rule laid down in the first paragraph of the present article shall not apply to the reserve of the active army nor to the territorial army.

Art. 8. The exercise of public duties paid out of the treasury of the State is incompatible with the office of Deputy.

Consequently, every official elected Deputy shall be superseded in his duties if, within the eight days following the verification of powers, he has not signified that he does not accept the office of Deputy.

There are excepted from the preceding provisions the duties of minister, under secretary of state, ambassador, minister plenipotentiary, prefect of the Seine, prefect of police, first president of the court of Appeal (cassation), first president of the court of accounts, first president of the court of appeal (appel) of Paris, attorney-general at the court of appeal (cassation), attorney-general at the court of accounts, attorney-general at the court of appeal (appel) of Paris, archbishop, and bishop, consistorial presiding pastor in consistorial districts whose capital has two or more pastors, chief rabbi of the central consistory, chief rabbi of the consistory of Paris.

Art. 9. There are also excepted from the provisions of article 8:

I. Titular professors of chairs which are filled by competition or upon the nomination of the bodies where the vacancy occurs.

II. Persons who have been charged with a temporary mission. All missions continuing more than six months cease to be temporary and are governed by article 8 above.

Art. 10. The official preserves the rights which he has acquired to a retiring pension, and may, after the expiration of his term of office, be restored to active service.

The civil official who, having had twenty years of service at the date of the acceptance of the office of Deputy, and shall be fifty years of age at the time of the expiration of this term of office, may establish his rights to an exceptional retiring pension.

This pension shall be regulated according to the third paragraph of article 12 of the law of June 9, 1853.

If the official is restored to active service after the expiration of his term of office, the provisions of article 3, paragraph 2, and article 28 of the law of June 9, 1853, shall apply to him.

In duties where the rank is distinct from the employment, the official, by the acceptance of the office of Deputy, loses the employment and preserves the rank only.

Art. 11. Every deputy appointed or promoted to a salaried public position ceases to belong to the chamber by the very fact of his acceptance; but he may be re-elected if the office which he occupies is compatible with the office of Deputy.

Deputies who become ministers or under-secretaries of State are not subjected to a re-election.

Art. 12. There shall not be elected by the arrondissement or the colony included wholly or partially in their jurisdiction, during the exercise of their duties or for six months following the expiration of their duties due to resignation, dismissal, change of residence, or any other cause:

I. The first presidents, presidents and members of the courts of appeal (appel).

II. The presidents, vice-presidents, titular judges, examining magistrates, and members of the tribunals of first instance.

III. The prefect of police; the prefects and general secretaries of the prefectures; the governors, directors of the interior, and general secretaries of the colonies.

IV. The chief arrondissement engineers and chief arrondissement road surveyors.

V. The school rectors and inspectors.

VI. The primary school inspectors.

VII. The archbishops, bishops and vicars-general.

VIII. The general paymasters and special receivers of money.

IX. The supervisors of direct and indirect taxes, of registration of lands, and of posts.

X. The guardians and inspectors of forests.

The subprefects shall not be elected in any of the arrondissements of the department where they perform their duties.

Art. 13. Every imperative mandate is null and void.

Art. 14. Members of the Chamber of Deputies are elected by single districts. Each administrative arrondissement shall elect one Deputy. Arrondissements having more than 100,000 inhabitants shall elect one Deputy in addition for every additional 100,000 inhabitants or fraction of 100,000. Arrondissements of

this kind shall be divided into districts whose boundaries shall be established by law and may be changed only by law.

Art. 15. Deputies shall be chosen for four years.

The chamber is renewable integrally.

Art. 16. In case of vacancy by death, resignation, or otherwise, a new election shall be held within three months of the late when the vacancy occurred.

In case of option, the vacancy shall be filled within one month.

Art. 17. The Deputies shall receive a salary.

This salary is regulated by articles 96 and 97 of the law of March 15, 1849, and by the provisions of the law of February 16, 1872.

Art. 18. No one is elected on the first ballot unless he receives:

- (1) An absolute majority of the votes cast.
- (2) A number of votes equal to one-fourth of the number of voters registered.

On the second ballot a plurality is sufficient. In case of an equality of votes, the oldest is declared elected.

Art. 19. Each department of Algeria elects one Deputy.

Art. 20. The voters living in Algeria in a place not yet made a commune, shall be registered on the electoral list of the nearest commune.

When it is necessary to establish electoral districts, either for the purpose of grouping mixed communes in each of which the number of voters shall be insufficient, or to bring together voters living in places not formed into communes, the decrees for fixing the seat of these districts shall be issued by the governor-general upon the report of the prefect or of the general commanding the division.

Art. 21. The four colonies to which Senators have been assigned by the law of February 24, 1875, on the organization of the Senate, shall choose one deputy each.

Art. 22. Every violation of the prohibitive provisions of article 3, paragraph 3, of the present law shall be punished by a fine of from sixteen francs to three hundred francs. Nevertheless the criminal courts may apply article 463 of the penal code.

The provisions of article 6 of the law of July 7, 1874, shall apply to the political electoral lists.

The decree of January 29, 1871, and the laws of April 10, 1871, May 2, 1871, and February 18, 1873, are repealed.

Paragraph 11 of article 15 of the organic decree of February 2, 1852, is also repealed, in so far as it refers to the law of May 21, 1836, on lotteries, reserving, however, to the courts the right to apply to convicted persons article 42 of the penal code.

The provisions of the laws and decrees now in force, with which the present law does not conflict, shall continue to be applied.

Art. 23. The provision of article 12 of the present law by which an interval of six months must elapse between the expiration of duties and election, shall not apply to officials, except prefects and sub-prefects, whose duties shall have ceased either before the promulgation of the present law or within the twenty days following it.

## LAW RELATING TO THE SEAT OF THE EXECUTIVE POWER AND OF THE CHAMBERS AT PARIS.

July 22, 1879.

Article 1. The seat of the executive power and of the two chambers is at Paris.

Art. 2. The Palace of the Luxemburg and the Palais-Bourbon are assigned, the first to the use of the Senate, the second to that of the Chamber of Deputies.

Nevertheless each of the chambers is authorized to choose, in the city of Paris, the palace which it wishes to occupy.

Art. 3. The various parts of the palace of Versailles now occupied by the Senate and Chamber of Deputies preserve their arrangements.

Whenever, according to articles 7 and 8 of the law of February 25, 1875, on the organization of the public powers, a meeting of the National Assembly takes place, it shall sit at Versailles, in the present hall of the Chamber of Deputies.

Whenever, according to article 9 of the law of February 24, 1875, on the organization of the Senate, and article 12 of the constitutional law of July 16, 1875, on the relations of the public powers, the Senate shall be called upon to constitute itself a Court of Justice, it shall indicate the town and place where it proposes to sit.

Art. 4. The Senate and Chamber of Deputies will sit at Paris on and after November third next.

Art. 5. The Presidents of the Senate and Chamber of Deputies are charged with the duty of securing the external and internal safety of the chambers over which they preside.

To this end they have the right to call upon the armed force and every authority whose assistance they judge necessary.

The demands may be addressed directly to all officers, commanders, or officials, who are bound to obey immediately, under the penalties established by the laws.

The President of the Senate and Chamber of Deputies may delegate to the questors or to one of them their right of demanding aid.

Art. 6. Petitions to either of the chambers can be made and presented in writing only. It is forbidden to present them in person or at the bar.

Art. 7. Every violation of the preceding article, every provocation, by speeches uttered publicly, or by writings, or printed matter, posted or distributed, to a crowd upon the public ways, having for an object the discussion, drawing up, or carrying to the chambers or either of them, of petitions, declarations, or addresses—whether or not any results follow such action—shall be punished by the penalties enumerated in paragraph 1 of article 5 of the law of June 7, 1848.

Art. 8. The preceding provisions do not diminish the force of the law of June 7, 1848, on riotous assemblies.

Art. 9. Article 463 of the penal code applies to the offenses mentioned in the present law.

#### LAW AMENDING THE ORGANIC LAWS ON THE ORGANIZATION OF THE SENATE AND THE ELECTIONS OF SENATORS.

December 9, 1884.

Article 1. The Senate consists of three hundred members, elected by the departments and the colonies.

The present members, without any distinction between Senators elected by the National Assembly or the Senate and those elected by the departments and colonies, maintain their term of office during the time for which they have been chosen.

Art. 2. The department of the Seine elects ten Senators.

The department of the Nord elects eight Senators.

The following departments elect five Senators each: Cotes-du-Nord, Finistere, Gironde, Ille-et-Vilaine, Loire, Loire-Inferieure, Pas-de-Calais, Rhone, Saone-et-Loire, Seine-Inferieure.

The following departments elect four Senators each: Aisne, Bouches-du-Rhone, Charente-Inferieure, Dordogne, Haute-Garonne, Isere, Main-et-Loire, Manche, Morbihan, Puy-de-Dome, Seine-et-Oise, Somme.

The following departments elect three Senators each: Ain, Allier, Ardeche, Ardennes, Aube, Aude, Aveyron, Calvados, Charente, Cher, Correze, Corse, Cote-d'Or, Creuse, Doubs, Drome, Eure, Eure-et-Loir, Gard, Gers, Herault, Indre, Indre-et-Loire, Jura, Landes, Loir-et-Cher, Haute-Loire, Loiret, Lot, Lot-et-Garonne, Marne, Haute-Marne, Mayenne, Meurthe-et-Moselle, Meuse, Nièvre, Oise, Orne, Basses-Pyrenees, Haute-Saone, Sarthe, Savoie, Haute-Savoie, Seine-et-Marne, Deux-Sevres, Tarn, Var, Vendee, Vienne, Haute-Vienne, Vosges, Yonne.

The following departments elect two Senators each: Basses-Alpes, Hautes-Alpes, Alpes-Maritimes, Ariege, Cantal, Lozere, Hautes-Pyrenees, Pyrenees-Orientals, Tarn-et-Garonne, Vaucluse.

The following elect one Senator each: The Territory of Bel-fort, the three departments of Algeria, the four colonies: Martinique, Guadeloupe, Reunion and French Indies.

Art. 3. In the departments where the number of Senators is increased by the present law, the increase shall take effect as vacancies occur among the life Senators.

To this end, within eight days after the vacancy occurs, it shall be determined by lot what department shall be called upon to elect a Senator.

This election shall take place within three months of the determination by lot. Furthermore, if the vacancy occurs within six months preceding the triennial election, the vacancy shall be filled at that election.

The term of office in this case shall expire at the same time as that of the other Senators belonging to the same department.

Art. 4. No one shall be a Senator unless he is a French citizen, forty years of age, at least, and enjoying civil and political rights.

Members of families that have reigned in France are ineligible to the Senate.

Art. 5. The soldiers of the land and naval forces cannot be elected Senators.

There are exceptions from this provision:

I. The Marshals and Admirals of France.

II. The general officers maintained without limit of age in the first section of the list of the general staff and not provided with a command.

III. The general officers placed in the second section of the list of the general staff.

IV. Soldiers of the land and naval forces who belong either to the reserve of the active army or to the territorial army.

Art. 6. Senators are elected by scrutin de liste, by a college meeting at the capital of the department or colony, and composed:

- (1) Of the Deputies.
- (2) Of the General Councilors.
- (3) Of the Arrondissement Councilors.
- (4) Of delegates elected from among the voters of the commune, by each Municipal Council.

Councils composed of ten members shall elect one delegate.

Councils composed of twelve members shall elect two delegates.

Councils composed of sixteen members shall elect three delegates.

Councils composed of twenty-one members shall elect six delegates.

Councils composed of twenty-three members shall elect nine delegates.

Councils composed of twenty-seven members shall elect twelve delegates.

Councils composed of thirty members shall elect fifteen delegates.

Councils composed of thirty-two members shall elect eighteen delegates.

Councils composed of thirty-four members shall elect twenty-one delegates.

Councils composed of thirty-six members or more shall elect twenty-four delegates.

The Municipal Council of Paris shall elect thirty delegates.

In the French Indies the members of the local councils take the place of Arrondissement Councilors. The Municipal Council of Pondichery shall elect five delegates. The Municipal Council of Karikal shall elect three delegates. All the other communes shall elect two delegates each.

The balloting takes place at the capital of each district.

Art. 7. Members of the Senate are elected for nine years.

The Senate is renewed every three years according to the order of the present series of departments and colonies.

Art. 8. Articles 2 (paragraph 1 and 2), 3, 4, 5, 8, 14, 16, 19, and 23 of the organic law of August 2, 1875, on the elections of Senators are amended as follows:

"Art. 2 (paragraphs 1 and 2). In each Municipal Council the election of delegates takes place without debate and by secret ballot, by scrutin de liste, and by an absolute majority of votes cast. After two ballots a plurality is sufficient, and in case of an equality of votes the oldest is elected.

"The procedure and method is the same for the election of alternates.

"Councils having one, two or three delegates to choose shall elect one alternate.

"Those choosing six or nine delegates elect two alternates.

"Those choosing twelve or fifteen delegates elect three alternates.

"Those choosing eighteen or twenty-one delegates elect four alternates.

"Those choosing twenty-four delegates elect five alternates.

"The Municipal Council of Paris elects eight alternates.

"The alternates take the place of delegates in case of refusal or inability to serve, in the order determined by the number of votes received by each of them.

"Art. 3. In communes where the duties of a Municipal Council are performed by a special delegation organized by virtue of article 44 of the law of April 5, 1884, the senatorial delegates and alternates shall be chosen by the old council.

"Art. 4. If the delegates were not present at the election, notice is given them by the mayor within twenty-four hours. They must within five days notify the prefect of their acceptance. In case of declination or silence they shall be replaced by the alternates, who are then placed upon the list as the delegates of the commune.

"Art. 5. The official report of the election of delegates and alternates is transmitted at once to the prefect. It indicates the acceptance or declination of the delegates and alternates, as well as the protests made by one or more members of the Municipal Council against the legality of the election. A copy of this official report is posted on the door of the town hall.

"Art. 8. Protests concerning the election of delegates or alternates are decided, subject to an appeal to the Council of

State, by the Council of the Prefecture, and, in the colonies, by the Privy Council.

"Delegates whose election is set aside because they do not satisfy the conditions demanded by law, or because of informality, are replaced by the alternates.

"In case the election of a delegate and of an alternate is rendered void, as by the refusal or death of both after their acceptance, new elections are held by the Municipal Council on a day fixed by the decree of the prefect.

"Art. 14. The first ballot begins at eight o'clock in the morning and closes at noon. The second begins at two o'clock and closes at four o'clock. The third begins at seven o'clock and closes at ten o'clock. The results of the ballotings are determined by the bureau and announced immediately by the president of the electoral college.

"Art. 16. Political meetings for the nomination of Senators may be held from the date of the promulgation of the decree summoning the electors up to the day of the election inclusive.

"The declaration prescribed by article 2 of the law of June 30, 1881, shall be made by two voters, at least.

"The forms and regulations of this article, as well as those of article 3, shall be observed.

"The members of Parliament elected or electors in the department, the senatorial electors, delegates and alternates, and the candidates, or their representatives, may alone be present at these meetings.

"The municipal authorities will see to it that no other person is admitted.

"Delegates and alternates shall present as a means of identification a certificate from the mayor of the commune; candidates or their representatives a certificate from the official who shall have received the declaration mentioned in paragraph 2.

"Art. 19. Every attempt at corruption or constraint by the employment of means enumerated in articles 177 and following of the penal code, to influence the vote of an elector or to keep him from voting, shall be punished by imprisonment of from three months to two years, and by a fine of from fifty francs to five hundred francs, or by one of these penalties alone.

"Article 463 of the penal code is applicable to the penalties provided for by the present article.

"Art. 23. Vacancies caused by the death or resignation of Senators shall be filled within three months; moreover, if the vacancy occurs within the six months preceding the triennial elections, it shall be filled at those elections."

Art. 9. There are repealed:

(1) Articles 1 to 7 of the law of February 24, 1875, on the organization of the Senate.

(2) Articles 24 and 25 of the law of August 2, 1875, on the elections of Senators.

#### TEMPORARY PROVISION.

In case a special law on parliamentary incompatibilities shall not have been passed at the date of the next senatorial elections, article 8, of the law of November 30, 1875, shall apply to those elections.

Every official affected by this provision, who has had twenty years of service and is fifty years of age at the date of his acceptance of the office (of Senator), may establish his right to a proportional retiring pension, which shall be governed by the third paragraph of article 12, of the law of June 9, 1853.

#### LAW AMENDING THE ELECTORAL LAW.

June 16, 1885.

Article 1. The members of the Chamber of Deputies are elected by scrutin de liste.

Art. 2. Each department elects the number of Deputies assigned to it in the table annexed to the present law, on the basis of one Deputy for seventy thousand inhabitants, foreign residents not included. Account shall be taken, nevertheless, of every fraction smaller than seventy thousand.

Each department elects at least three Deputies.

Two Deputies are assigned to the territory of Belfort, six to Algeria, and ten to the colonies, as is indicated by the table. This table can be changed by a law only.

Art. 3. The department forms a single electoral district.

Art. 4. Members of families that have reigned in France are ineligible to the Chamber of Deputies.

Art. 5. No one is elected on the first ballot unless he receives:

(1) An absolute majority of the votes cast.

(2) A number of votes equal to one-fourth of the total number of voters registered.

On the second ballot a plurality is sufficient.

In case of an equality of votes, the oldest of the candidates is declared elected.

Art. 6. Subject to the case of a dissolution foreseen and regulated by the Constitution, the general elections take place within the sixty days preceding the expiration of the powers of the Chamber of Deputies.

Art. 7. Vacancies shall not be filled which occur in the six months preceding the renewal of the chamber.

#### LAW ON PARLIAMENTARY INCOMPATIBILITIES.

December 26, 1887.

Until the passage of a special law on parliamentary incompatibilities, articles 8 and 9 of the law of November 30, 1875, shall apply to senatorial elections.

Every official affected by this provision who has had twenty years of service and is fifty years of age at the time of his acceptance of the office (of Senator), may establish his rights to a proportional retiring pension, which shall be governed by the third paragraph of article 12 of the law of June 9, 1853.

#### LAW RE-ESTABLISHING SINGLE DISTRICTS FOR THE ELECTION OF DEPUTIES.

February 13, 1889.

Article 1. Articles 1, 2 and 3 of the law of June 16, 1885, are repealed.

Art. 2. Members of the Chamber of Deputies are elected by single districts. Each administrative arrondissement in the departments, and each municipal arrondissement at Paris and at Lyons, elects one Deputy. Arrondissements whose population exceeds one hundred thousand inhabitants elect an additional Deputy for every one hundred thousand or fraction of one hundred thousand inhabitants. The arrondissements are in this case divided into districts, a table of which is annexed to the present law and can be changed by a law only.

Art. 3. One Deputy is assigned to the territory of Belfort, six to Algeria, and ten to the colonies, as is indicated by the table.

Art. 4. On and after the promulgation of the present law, until the renewal of the Chamber of Deputies, vacancies occurring in the Chamber of Deputies shall not be filled.

LAW ON MULTIPLE CANDIDATURES.

July 17, 1889.

Article 1. No one may be a candidate in more than one district.

Art. 2. Every citizen who offers himself or is offered at the general or partial elections must, by a declaration signed or countersigned by himself, and duly legalized, make known in what district he means to be a candidate. This declaration is deposited, and a provisional receipt obtained therefor, at the prefecture of the department concerned, the fifth day, at latest, before the day of election. A definite receipt shall be delivered within twenty-four hours.

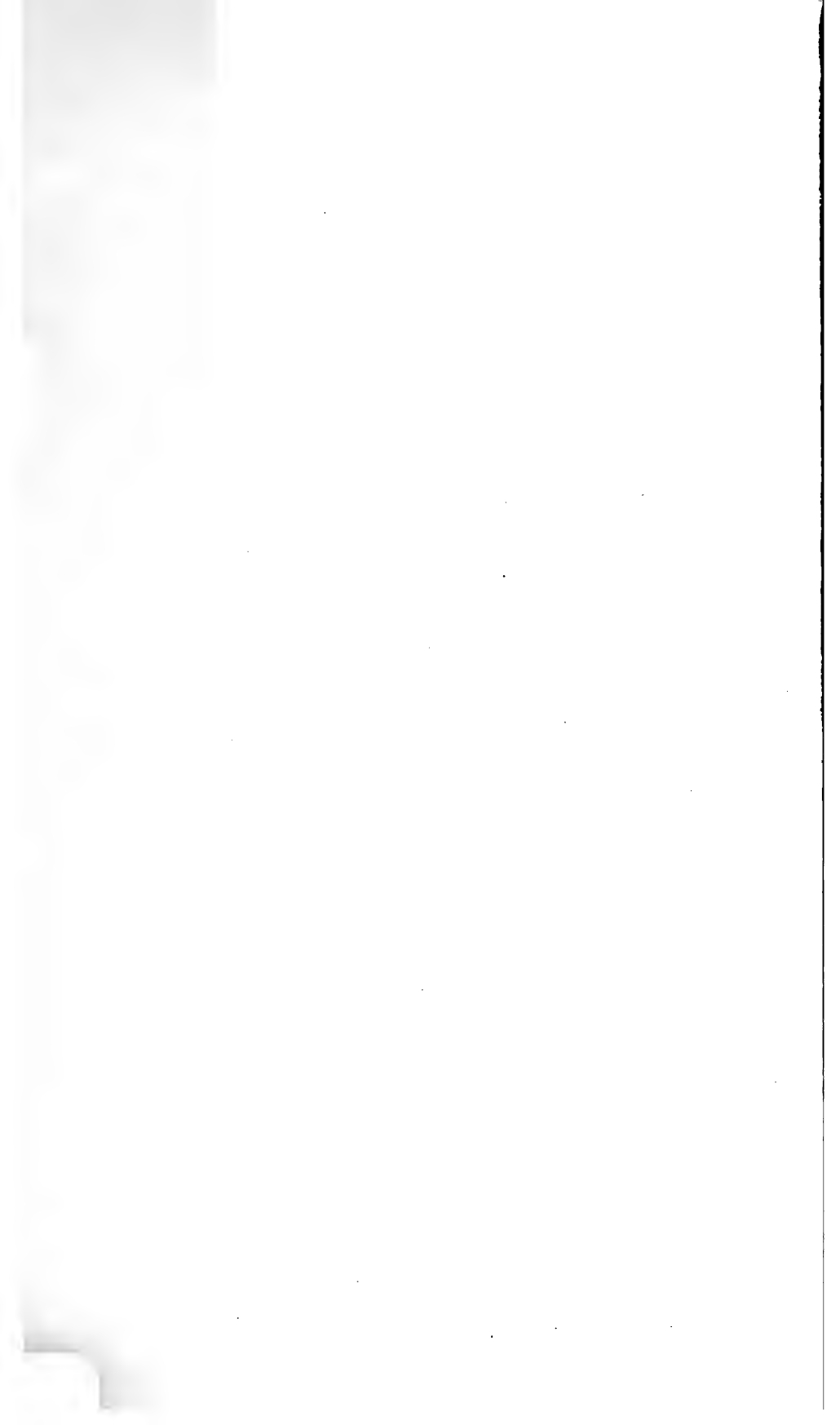
Art. 3. Every declaration made in violation of article 1 of the present law is void and not to be received.

If declarations are deposited by the same citizen in more than one district, the earliest in date is alone valid. If they bear the same date, all are void.

Art. 4. It is forbidden to sign or post placards, to carry or distribute ballots, circulars, or platforms in the interest of a candidate who has not conformed to the requirements of the present law.

Art. 5. Ballots bearing the name of a citizen whose candidacy is put forward in violation of the present law shall not be included in the return of votes. Posters, placards, platforms, and ballots posted or distributed to support a candidacy in a district where such candidacy is contrary to the law, shall be removed or seized.

Art. 6. A fine of ten thousand francs shall be imposed on the candidate violating the provisions of the present law, and one of five thousand francs on all persons acting in violation of article 4 of the present law.



THE FEDERAL CONSTITUTION  
OF  
GERMANY,  
WITH  
AN HISTORICAL INTRODUCTION

TRANSLATED BY

EDMUND J. JAMES, PH. D.

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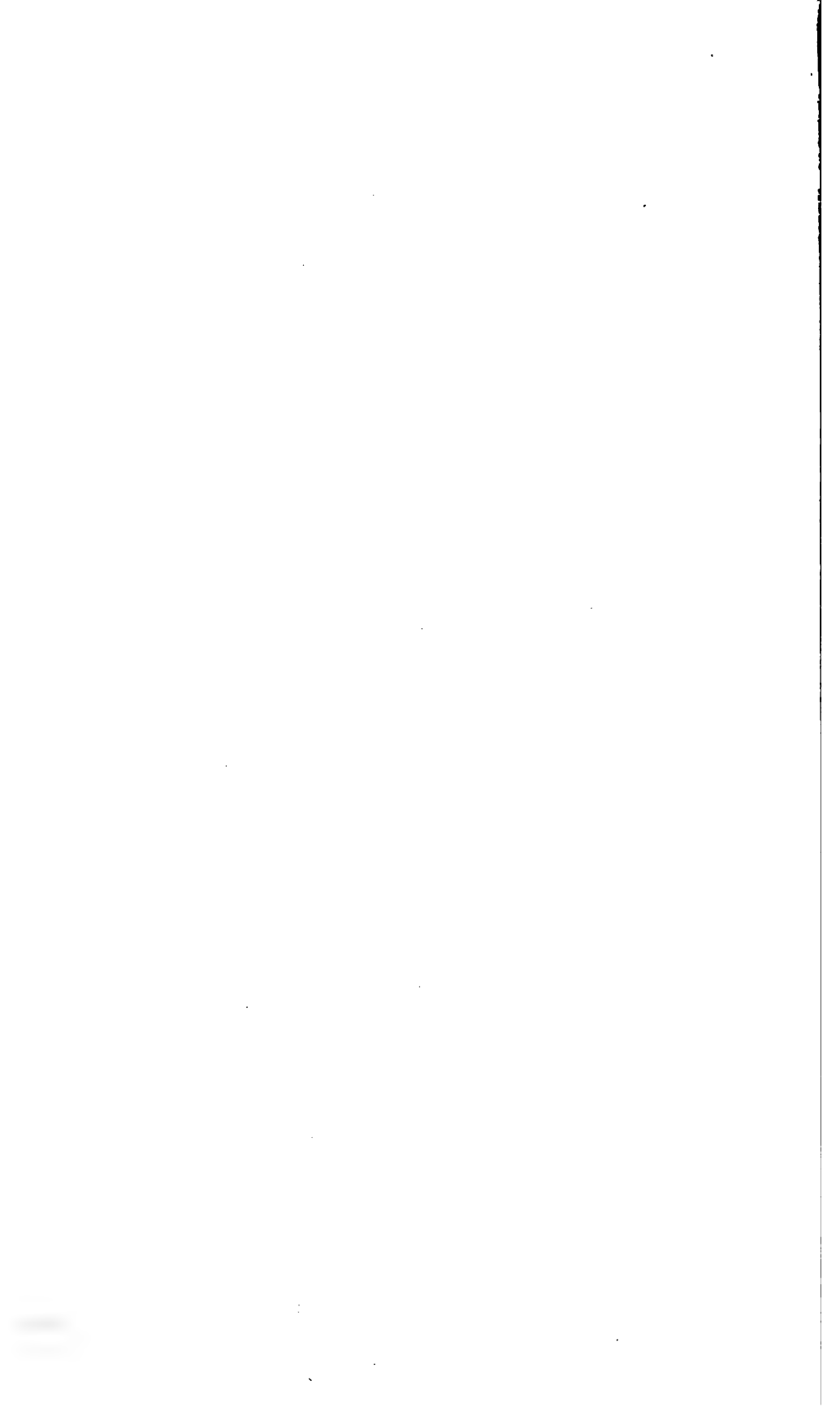
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PHILADELPHIA:

1890.

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# INTRODUCTION

TO THE

## CONSTITUTION OF THE EMPIRE OF GERMANY.

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In the articles of peace at Presburg (December 26, 1805,) Austria recognized the newly-created kingdoms of Bavaria and Wurtemberg, and the complete independence of these States and of Baden. On the 17th of July, 1806, the representatives of sixteen German princes signed the Rhine Confederation Act of the 12th of July, 1806, and thus formally separated themselves from the German Empire. On the 6th of August 1806, Emperor Francis I resigned the crown of the Holy Roman Empire of the German Nation, and declared the office and dignity of German Emperor to have come to an end. In the articles of peace signed at Passau December 11, 1806, Saxony joined the Rhine Confederation, and the other smaller States of United Germany followed her example. By the decree of Napoleon (December 7, 1807,) the newly-created kingdom of Westphalia was added to the Rhine Confederation, which now included all the German States except Austria, Prussia, Swedish Pomerania and Holstein. This confederation, however, quietly dissolved, in consequence of the agreement between Prussia and Russia made at Kalisch, February 28, 1813.

In the sixth article of the Peace of Paris (May 30, 1814,) it was declared "that the states of Germany should be independent and united by a federative bond." Although in the Proclamation of Kalisch (March 13, 1813,) it was promised in the name of the rulers of Russia and Prussia that the venerable German Empire should be resuscitated, nothing of the sort occurred. On the contrary, at the Congress of Vienna, opened November 1, 1814, the German Federal Pact of June 8, 1815, was established, and in consequence of further ministerial conference, held at Vienna, the so-called Final Act of Vienna was adopted May 15, 1820, which was acknowledged by resolution of the Federal Assembly of June 8, 1820, to be equal to the Federal Pact in power and validity.

The attempt made in consequence of the "March days" of 1848 to convert the German Confederation into a German Federal State was unsuccessful. The Federal Assembly ordered by the resolution of April 7, 1848, the election of members of the "German National Assembly." But the Constitution promulgated by this body April 28, 1849, could not go into effect because the King of Prussia, who had been elected by the body to be the hereditary Emperor, declined to accept this dignity.

The attempt then made by the various German governments to found a German Federal State by agreement among the various States was also unsuccessful, and ended in the resuscitation of the old Federal Assembly, and the complete restoration of the Confederated Constitution of 1815.

The further attempt made by Austria in 1863 to effect a reform of the German Confederation was equally a failure.

The development of the Schleswig-Holstein affair then led to an open conflict between Prussia and Austria. After the majority of the Federal Assembly, in the sitting of June 14, 1866, against the protest of Prussia, had accepted the proposition of Austria to "mobilize the army of the confederation with the exception of the Prussian contingent," the Prussian deputy declared in the name and by command of the king, that Prussia regarded the Federal Pact as broken by this action, and no longer in force, and would act accordingly. At the same time he added the further declaration that the king by no means wished to regard the national basis on which the confederation had rested as destroyed by the dissolution of the Federal Pact, but that on the contrary Prussia would hold fast to this basis and to the unity of the German Nation, independent of temporary forms, and that it regarded it as an unavoidable duty of the German states to find some corresponding expression therefor. With these words Prussia submitted for her part the outline of a new union adapted to the circumstances of the time (made June 10, 1866), and declared herself ready to enter a new union on this basis with such states as chose to accept these terms.

The victory of Prussia over Austria and her allies led to the acknowledgment of the "Dissolution of the German Confederation" by the Emperor of Austria in the Preliminary Articles of Peace signed at Nicholsburg July 26, 1866, and afterwards in the peace of Prague, August 23, 1866. The Emperor agreed further to a "Reconstruction of Germany," based on the exclusion of Austria, and promised to recognize the closer "Federal Relations" which the King of Prussia proposed to establish north of the Main line. He also gave his consent to the plan by which the German States lying south of the Main should enter a union which should have an individual and independent existence, and whose nearer relation to the north German Confederation should be settled by future negotiation.

In the place of the previous "German Confederation" was now established the "North German Confederation." Prussia, which had annexed the Kingdom of Hanover, the Electorate of Hesse, the Duchy of Nassau, the Duchies of Schleswig and Holstein, the Free City of Frankfurt, and the portions of territory ceded by Bavaria and the Grand Duchy of Hesse, concluded (August 18, 1866,) a treaty of alliance with Saxe-Weimar, Oldenburg, Brunswick, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Sondershausen, Schwarzburg-Rudolstadt, Waldeck, Reuss Younger-Line, Schaumburg-Lippe, Lippe, Lubeck, Bremen and Hamburg, Mecklenburg-Schwerin and Mecklenburg-Strelitz joined the Hamburg. Mecklenburg-Schwerin and Mecklenburg-Strelitz joined the alliance August 21, 1866. In this treaty it was agreed to draft a Federal Constitution on the basis of the proposals of June 10, 1866, with the consent of a Parliament to be summoned by the contracting parties in common. The terms of this treaty were accepted by the government of the Grand Duchy of Hesse for those portions of its territory lying north of the Main, and by the government of Saxe-Meiningen and Reuss Elder Line, and finally by the King of Saxony, in the treaties made with them.

In consequence of this agreement among the allied governments, uniform election laws, based on the election laws of the German National Assembly (April 12, 1849), were promulgated in all the different States, and after the election had taken place on February 12, 1867, the King of Prussia (February 13, 1867), summoned the Parliament to meet in Berlin on the 24th of February, 1867. In the session of the 4th of March, 1867, a "Draft of the Constitution of the North German Confederation," which had been agreed upon by the allied governments, was submitted to this Parliament for action. The draft having been amended in fifty-one points by the Parliament, was accepted in the modified form by 230 votes against 53. The allied governments accepted the proposals of the Parliament, and thereupon in the sessions of the Parliament of the 17th of April, 1867, the President of the State Delegates, then in assembly in Berlin, declared in the name of the King of Prussia and by virtue of the power delegated to him by the allied governments, that this Constitution had been accepted by the governments allied in the North German Confederation.

After the Legislatures of the various States of the Confederation had given their constitutional consent, the official publication of the Federal Constitution took place in all the States of the Union. On the 26th of July, 1867, the Federal Presidency proclaimed that this Constitution, having been agreed upon between the Federal Parliament, summoned for this purpose, on the one hand, and the King of Prussia and all the other princes of the allied States and the Senates of the Free Cities on the other, had been promulgated on the 25th of June, 1867, and had gone into effect on July 1, 1867. At the same time, by a note to this proclamation, the King of Prussia declared that he accepted for himself and his successors in the Prussian crown all the rights, privileges and duties intrusted to him by the Constitution of the North German Confederation.

Article 79 of this Constitution provided that the relations of this Confederation to the South German States should be regulated by treaty, and that their admission to the North German Confederation should be effected by Federal legislation whenever proposed by the Presidency of the Confederation.

As a result of the Franco-Prussian war of 1870 the South German government resolved to negotiate with the "North German Confederation," with a view to establishing a "German Confederation." The results of these negotiations were:

1. The agreement of November 15, 1870, between the North German Confederation and Baden and Hesse, upon the establishment of a German Confederation and the acceptance of the Federal Constitution.

2. The treaty of November 23, 1870, concerning the adhesion of Bavaria to the Constitution of the German Confederation.

3. The treaty of November 25, 1870, between the North German Confederation, Baden and Hesse on the one side, and Wurtemberg on the other, concerning the adhesion of Wurtemberg to the Constitution of the German Confederation.

Before the Diet, summoned November 24, 1870 these treaties and the papers relating to them were laid by the Federal Presidency, with the statement that the Federal Council had ratified them with the constitutional majority. They were accepted by the Diet.

The Federal Council of the North German Confederation, with the consent of the governments of Bavaria, Wurtemberg, Baden and Hesse, now proposed to the Diet the "establishment of the German Imperial Dignity." On the 9th of December, 1870, the Chancellor of the North German Confederation proposed that the German Confederation should bear the name German Empire, and the King of Prussia, as Federal President, the name of German Emperor. This was accepted by the Diet on the 10th of December, 1870. The proclamation of the establishment of the Imperial Dignity was made by the King of Prussia at Versailles January 18, 1871, and was published in Germany on the same day.

After the Constitution of the German Empire was in this way agreed upon and fixed between the legislative power of the North German Confederation and the governments of the South German States, it was also approved by the Legislatures of the South German States, in accordance with the provisions of their Constitutions.

In accordance with the order of the German Emperor, issued January 3, 1871, general elections were held throughout the Empire on March 3, 1871, to the first German Diet, on the basis of the election law of May 31, 1869. This Diet was summoned by Imperial proclamation of 26th of February, 1871, to meet in Berlin on March 20, 1871, when it was opened by the German Emperor in person.

The course of the negotiations leading to the establishment of the new Empire had resulted in the anomalous condition that the provisions of its Constitution were to be found scattered through four documents—the Constitution of the North German Confederation and the three treaties mentioned above, which by their acceptance had modified the Constitution very materially. In order to remedy this state of things and to introduce uniformity of terminology into the instrument, the Federal Chancellor, in the name of the Emperor, proposed to the Diet on March 21, 1871, the "draft of a law concerning the Constitution of the German Empire," to which was appended a revised draft of the instrument. The proposed revision and law for its introduction were accepted by the Diet without modification. The revised instrument does not contain any material modification of the provisions then existing except in the provisions in Article 8, in regard to the Committee of Foreign Affairs. Various provisions of the treaties relating to temporary and intermediate conditions are omitted from the instrument, as also some agreements in the treaties partly of temporary, partly of explanatory, and partly of administrative character. These agreements form, however, undoubtedly for all practical purposes, part and parcel of the instrument, as appears from section 3 of the Introductory Law.

The draft of the Introductory Law, together with the appended Constitution, having received the approval of the Federal Council and Diet, was enacted into law by the act of April 16, 1871. Number 16 of the Imperial Gazette, containing this law, was published April 20, 1871.

By the Federal law of June 9, 1871, the territories of Alsace and Lorraine, ceded by France to Germany, were incorporated into the German Empire, and the Constitution of the Empire went into effect in those territories from January 1, 1874.

# CONSTITUTION OF THE EMPIRE OF GERMANY.

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PREAMBLE.

We, William, by the Grace of God, German Emperor, King of Prussia, etc., hereby ordain, in the name of the German Empire and with the consent of the Federal Council and Diet, what follows:

Section 1. The appended Constitution of the German Empire takes the place of the "Constitution of the German Confederation," agreed upon by the North German Confederation and the Grand Duchies of Baden and Hesse, as well as the place of the treaties concluded on the 23d and 25th November, 1870, with the Kingdoms of Bavaria and Wurtemberg, concerning their adhesion to the aforesaid "Constitution of the German Confederation."

Sec. 2. The provisions in Article 80 of the aforesaid Constitution of the German Confederation, and in III, section 8 of the Treaty of November 23, 1870, with Bavaria, and in Article 2, Number 6 of the Treaty with Wurtemberg of November 25, 1870, concerning the introduction into these States of the laws passed by the North German Confederation, remain in force.

The there mentioned laws are laws of the Empire. Wherever mention is made in the same of the North German Confederation, its Constitution, territory, members or States, citizenship, constitutional organs, subjects, officers, flag, etc., the German Empire and its corresponding relations are to be understood.

The same thing is true of those laws adopted in the North German Confederation, which may be introduced in the future within any of the States mentioned.

Sec. 3. The agreements in the protocols accepted at Versailles, November 15, 1870; in the negotiations at Berlin of November 25, 1870, and in the final protocol of November 23, 1870, as well as those under IV in the Treaty with Bavaria of the 23d November, 1870, are not affected by this law.

Given at Berlin, April 16, 1871.

(L. S.)

WILHELM,  
PRINCE VON BISMARCK.

## THE IMPERIAL CONSTITUTION.

His Majesty, the King of Prussia, in the name of the North German Confederation; His Majesty, the King of Bavaria, His Majesty, the King of Wurtemberg, His Royal Highness, the Grand Duke of Baden, and His Royal Highness, the Grand Duke of Hesse, and by Rhine, for those parts of the Grand Duchy of Hesse which are situated south of the Main, conclude an eternal alliance for the protection of the territory of the Confederation, and of the laws of the same, as well as for the promotion of the welfare of the German people. This Confederation shall bear the name of the German Empire, and shall have the following Constitution:

## I.—TERRITORY.

Article 1. The territory of the Confederation shall consist of the States of Prussia (with Lauenburg), Bavaria, Saxony, Wurtemberg, Baden, Hesse, Mecklenburg—Schwerin, Saxe—Weimer, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss (elder branch), Reuss (younger branch), Schaumburg-Lippe, Lippe, Lubeck, Bremen, and Hamburg.

## II.—LEGISLATION OF THE EMPIRE.

Article 2. Within this territory the Empire shall exercise the right of legislation according to the provisions of this Constitution; and the laws of the Empire shall take precedence of those of each individual State. The laws of the Empire shall be rendered binding by Imperial proclamation, such proclamation to be published in a journal devoted to the publication of the laws of the Empire (Reichsgesetzblatt—Imperial Gazette). If no other period shall be designated in the published law for it to take effect, it shall take effect on the fourteenth day after its publication in the Imperial Gazette at Berlin.

Art. 3. There shall be a common citizenship (Indigenat) for all Germany, and the members (citizens or subjects) of each State of the Confederation shall be treated in every other State thereof as natives, and shall consequently have the right of becoming permanent residents; of carrying on business; of filling public offices; of acquiring real estate; of obtaining citizenship, and of enjoying all other civil rights on the same conditions as those

born in the State, and shall also have the same usage as regards civil and criminal prosecutions and the protection of the laws.

No German shall be limited in the exercise of this privilege by the authorities of his native State, or by the authorities of any other State of the Confederation.

The regulations governing the care of paupers, and their admission into the various local unions, shall not, however, be affected by the principle enunciated in the first paragraph.

In like manner those treaties shall remain in force which have been concluded between the various States of the Confederation in relation to the custody of persons who are to be expelled, the care of sick, and the burial of deceased citizens.

With regard to the performance of military service in the various States, the necessary laws will be passed hereafter by the Empire.

All Germans in foreign countries shall have equal claims upon the protection of the Empire.

Art. 4. The following matters shall be under the supervision and legislative control of the Empire.

1. Regulations relating to migration within the Empire; matters of domicile and settlement; the right of citizenship; the issuing and examination of passports; surveillance of foreigners; trade and industry, including insurance, so far as these matters are not already provided for by Article 3 of this Constitution (in Bavaria, however, exclusive of matters relating to domicile and settlement), and finally matters relating to colonization and emigration to foreign countries.

2. Legislation concerning customs-duties, commerce, and such taxes as are to be applied to the uses of the Empire.

3. Regulation of weights and measures; of the coinage; and of the emission of "funded and unfunded" paper money.

4. General banking regulations.

5. Patents for inventions.

6. The protection of intellectual property.

7. The organization of a general system of protection for German trade in foreign countries; of German navigation, and of the German flag on the high seas; likewise the organization of a general consular representation to be maintained by the Empire.

8. Railway matters (subject in Bavaria to the provisions of Article 46), and the construction of land and water ways for the purpose of public defense, and of general commerce.

9. Rafting and navigation upon those water ways which are common to several States, and the condition of such waters; also the river and other water dues.

10. Postal and telegraph affairs; but in Bavaria and Wurtemberg these shall be subject to the provisions of Article 52.

11. Regulations concerning the reciprocal execution of judicial sentences in civil matters, and the fulfillment of requisitions in general.

12. The authentication of public documents.

13. General legislation with respect to the law of obligations and notes; and to criminal and commercial law, including legal procedure.

15. Police regulation as to medical and veterinary matters.

16. Laws relating to the press, and to the right of association.

Art. 5. The legislative power of the Empire shall be exercised by the Federal Council and the Diet (Reichstag). A majority of the votes of both bodies shall be necessary and sufficient for the passage of a law.

When a law is proposed in relation to the army, or navy, or to the imposts specified in Article 35, the vote of the presidium shall decide in case of a difference of opinion in the Federal Council, if said vote be in favor of the retention of existing arrangements.

### III.—FEDERAL COUNCIL.

Article 6. The Federal Council shall consist of the representatives of the members of the Confederation, among which the votes shall be divided in such manner as that Prussia (including the former votes of Hanover, the electorate of Hesse, Holstein, Nassau and Frankfort) shall have 17 votes; Bavaria, 6 votes; Saxony, 4 votes; Wurtemberg, 4 votes; Baden, 3 votes; Hesse, 3 votes; Mecklenburg-Schwerin, 2 votes; Saxe-Weimar, 1 vote; Mecklenburg-Strelitz, 1 vote; Oldenburg, 1 vote; Brunswick, 2 votes; Saxe-Meiningen, 1 vote; Saxe-Altenburg, 1 vote; Saxe-Coburg-Gotha, 1 vote; Anhalt, 1 vote; Schwarzburg-Rudolstadt, 1 vote; Schwarzburg-Sondershausen, 1 vote; Waldeck, 1 vote; Reuss (elder branch), 1 vote; Reuss (younger branch), 1 vote; Schamburg-Lippe, 1 vote; Lippe, 1 vote; Lubeck, 1 vote; Bremen, 1 vote; Hamburg, 1 vote—total, 58 votes. Each member of the Confederation may appoint as many delegates to the Federal Council as it has votes, but the votes of each State must be cast as a unit.

Art. 7. The Federal Council shall take action upon—

1. The measures to be proposed to the Diet, and the resolutions passed by the same.

2. The general provisions and arrangements necessary for the execution of the laws of the Empire, so far as no other provision is made by law.

3. The defects which may be discovered in the execution of the laws of the Empire, or of the provisions and arrangements heretofore mentioned.

Each member of the Confederation shall have the right to make propositions and introduce motions, and it shall be the duty of the presidium to submit them for deliberation.

Legislative action shall take place by simple majority, with the exceptions of the provisions in Articles 5, 37 and 78. Votes not represented or not instructed shall not be counted. In the case of a tie, the vote of the presidium shall decide.

When legislative action is taken upon a subject which according to the provisions of this Constitution, does not concern the whole Empire, the votes only of those States of the Confederation interested in the matter in question shall be counted.

Art. 8. The Federal Council shall appoint from its own members permanent committees.

1. On the army and fortifications.

2. On marine affairs.

3. On duties and taxes.

4. On commerce and trade.

5. On railroads, posts and telegraphs.

6. On affairs of justice.

7. On accounts.

In each of these committees there shall be representatives of at least four States of the Confederation, besides the presidium, and each State shall be entitled to only one vote in the same. In the committee on the army and fortifications, Bavaria shall have a permanent seat; the remaining members of it, as well as the members of the committee on marine affairs, shall be appointed by the Emperor; the members of the other committees shall be elected by the Federal Council. These committees shall be newly formed at each session of the Federal Council, i. e., each year. The retiring members shall, however, again be eligible.

There shall also be appointed in the Federal Council a committee on foreign affairs, over which Bavaria shall preside, to be composed of the plenipotentiaries of the Kingdoms of Bavaria,

Saxony and Wurtemberg, and of two plenipotentiaries of other states of the Empire, who shall be elected annually by the Federal Council.

The necessary employes and officials shall be placed at the disposal of the committees.

Art. 9. Each member of the Federal Council shall have the right to appear in the Diet, and be heard there at any time he shall so request, to represent the views of his Government, even when the same shall not have been adopted by the majority of the Council. No one shall be at the same time a member of the Federal Council and of the Diet:

Art. 10. The Emperor shall afford the customary diplomatic protection to the members of the Federal Council.

#### IV.—THE PRESIDENCY.

To the King of Prussia shall belong the Presidency of the Confederation, and he shall have the title of German Emperor. The Emperor shall represent the Empire among nations, declare war and conclude peace in the name of the same, enter into alliances and other conventions with foreign countries, accredit ambassadors and receive them.

For a declaration of war in the name of the Empire, the consent of the Federal Council shall be required, except in case of an attack upon the territory of the Confederation or its coasts.

So far as treaties with foreign countries refer to matters which, according to Article 4, are to be regulated by imperial legislation, the consent of the Federal Council shall be required for their conclusion, and the approval of the Diet shall be necessary to render them valid.

Art. 12. The Emperor shall have the right to convene the Federal Council and the Diet, and to open, adjourn, and close them.

Art. 13. The convocation of the Federal Council and the Diet shall take place annually, and the Federal Council may be called together for the preparation of business without the Diet; the latter, however, shall not be convoked without the Federal Council.

Art. 14. The convocation of the Federal Council shall take place whenever demanded by one-third of the total number of votes.

Art. 15. The Chancellor of the Empire, to be appointed by the Emperor, shall preside in the Federal Council, and supervise the conduct of its business.

The Chancellor of the Empire shall have the right to delegate the power to represent him to any member of the Federal Council. This delegation must be made in writing.

Art. 16. The necessary bills shall be laid before the Diet in the name of the Emperor, in accordance with the resolutions of the Federal Council, and these shall be advocated in the Diet by members of Federal Council, or by special commissioners appointed by the said council.

Art. 17. It shall be the duty of the Emperor to prepare and publish the laws of the Empire, and to supervise their execution. The decrees and ordinances of the Emperor shall be made in the name of the Empire, and require for their validity the signature of the Imperial Chancellor, who thereby takes upon himself the responsibility for them.

Art. 18. The Emperor shall appoint imperial officials, require them to take the oath of allegiance to the Empire, and dismiss them when necessary.

Officials of any one of the States of the Confederation, who shall be appointed to any imperial office, shall enjoy the same rights as those to which they are entitled in their native States by virtue of their official position, provided no other legislative provision shall have been made previous to their entrance into the service of the Empire.

Art. 19. If the States of the Confederation do not fulfill their Constitutional duties, they may be compelled to do so by "execution." This "execution" shall be ordered by the Federal Council, and carried out by the Emperor.

#### V.—THE DIET (REICHSTAG).

Article 20. The members of the Diet shall be chosen in a general election and by direct secret ballot.

Until regulated by the law, which according to section 5 of the Election Law of May 31, 1869, is to be promulgated, 48 Deputies shall be elected in Bavaria, 17 in Wurtemberg, 14 in Baden, 6 in Hesse, south of the River Main, and the total number shall consequently be 382.

Art. 21. Government officials shall not require leave of absence in order to enter the Diet.

When a member of the Diet accepts a salaried office of the Empire, or a salaried office in one of the States of the Confederation, or accepts any office of the Empire of a State involving higher rank or salary, he shall forfeit his seat and vote in the Diet, but may recover his place in the same by a new election.

Art. 22. The proceedings of the Diet shall be public.

Truthful reports of the proceedings of the public sessions of the Diet shall subject those making them to no responsibility.

Art. 23. The Diet shall have the right to propose laws within the jurisdiction of the Empire, and to refer petitions, addressed to it, to the Federal Council or the Chancellor of the Empire.

Art. 24. The Diet shall be elected for three years. It may be dissolved during that time by a resolution of the Federal Council, with the consent of the Emperor.

Art. 25. In the case of a dissolution of the Diet, new elections shall take place within a period of sixty days, and the Diet shall be called together within a period of ninety days after its dissolution.

Art. 26. Unless by consent of the Diet, an adjournment of that body shall not exceed the period of thirty days, and shall not be repeated during the same session without such consent.

Art. 27. The Diet shall examine into the legality of the election of its members, and decide thereon. It shall regulate its mode of transacting business, as well as its own discipline, by establishing rules therefor, and elect its President, Vice-Presidents and Secretaries.

Art. 28. The Diet shall take action by absolute (simple) majority. To render action valid, the presence of a majority of the statutory number of members shall be required.

In matters which according to this Constitution do not concern the entire Empire, only such members shall vote as are elected from States whose interests are affected by the proposition. (Repealed by act of February 24, 1873.)

Art. 29. The members of the Diet are the representatives of the people as a whole, and shall not be bound by orders and instructions from their constituents.

Art. 30. No member of the Diet shall at any time suffer legal disciplinary prosecution on account of his vote, or on account of utterances made while in the performance of his functions, or be held responsible outside the Diet for his course within it.

Art. 31. Without the consent of the Diet, none of its members shall be tried or arrested during the session for any penal offense committed, except when arrested in the act of committing the offense, or in the course of the following day.

The same rule shall apply in the case of arrests for debt.

At the request of the Diet, all criminal proceedings instituted against one of its members, and likewise detention or arrest, shall be suspended during its session.

Art. 32. The members of the Diet shall not be allowed to draw any salary, or be compensated as such.

#### VI.—CUSTOMS AND COMMERCE.

Article 33. Germany shall form a customs and commercial union, having a common frontier for the collection of duties. Such territories as cannot, by reason of their situation, be suitably embraced within the said frontier, shall be excluded.

It shall be lawful to introduce all articles of commerce of any State of the Confederation into any other State of the Confederation without paying any impost thereon, except as far as similar articles are subject to internal taxation therein.

Art. 34. The Hanseatic cities, Bremen and Hamburg, shall remain free ports outside of the common boundary of the customs union, retaining for that purpose a suitable district of their own, or of the surrounding territory, until they shall request to be admitted into the said union.

Art. 35. The Empire shall have the exclusive power to legislate concerning everything relating to the customs; to the taxation of salt and tobacco manufactured or raised in the territory of the Confederation; to the taxation of domestic brandy and beer, and of sugar and syrup prepared from beets or other domestic products. It shall have exclusive power to legislate concerning the mutual protection (against fraud) of all taxes upon articles of consumption levied in the several States of the Empire, as well as concerning the measures which are required in the territory, outside the customs lines, for the security of the common customs frontier.

In Bavaria, Wurtemberg, and Baden, the matter of imposing duties on domestic brandy and beer is reserved for the legislation of each State. The States of the Confederation shall, however, endeavor to bring about uniform legislation regarding the taxation of these articles also.

Art. 36. The administration and collection of customs duties and of the excise on articles of consumption (article 35) is left to each State of the Confederation within its own territory, so far as this has been done by each State heretofore.

To insure observance of imperial law by the State administration, the Emperor shall (after consulting the committee of the Federal Council on customs and revenues) appoint certain imperial officers in the custom or excise offices of the several States.

Reports made by these officials as to defects in the execution of the laws of the Empire (article 35) shall be submitted to the Federal Council for action.

Art. 37. In taking action upon the rules and regulations for the execution of the laws of the Empire (article 35), the vote of the presidium shall decide whenever it shall pronounce for upholding the existing rule or regulation.

Art. 38. The amounts accruing from customs and from the other revenues designated in Article 35, so far as the latter are subject to imperial legislation, shall go to the treasury of the Empire.

This amount is made up of the total receipts from the customs and other revenues, after deducting therefrom—

1. Tax rebates and reductions in conformity with existing laws or general administrative regulations.

2. Reimbursements for taxes unlawfully collected.

3. The costs of collection and administration, viz.:

- (a.) In the department of customs, the costs which are required for the protection and collection of customs on the frontiers and in the frontier districts.

- (b.) In the department of the duty on salt, the costs which are used for the pay of the officers charged with collecting and controlling this duty in the salt works.

- (c.) In the department of taxes on beet sugar and tobacco, the compensation which is to be allowed, according to the rules of the Federal Council, to the several state governments for the cost of managing these duties and taxes.

- (d.) Fifteen per cent of the total receipts from other taxes.

The territories situated outside of the common customs-frontier shall contribute to the expenses of the Empire by paying an aversum (lump sum, or sum of acquittance).

Bavaria, Wurtemberg, and Baden shall not share in the revenues from duties on brandy and beer, which go into the

treasury of the Empire, nor in the corresponding portion of the aforesaid aversum.

Art. 39. The quarterly summaries to be regularly made by the revenue officers of the Federal States at the end of every quarter, and the final statement (to be made at the end of the year, and after the closing of the account books) of the receipts which have become due in the course of the quarter, or during the fiscal year, from customs and from the other revenues which (according to article 38) belong to the treasury of the Empire, shall be arranged by the administrative officers of the various States, after a preliminary audit, in general summaries, in which the result of every impost is to be shown separately; these summaries shall be transmitted to the committee of audit of Federal Council.

The latter (taking as a basis these summaries), fixes provisionally every three months the amount due to the treasury of the Empire from the treasury of each State, and it shall inform the Federal Council and the federal States of the amount so fixed; furthermore, it shall submit to the Federal Council annually the final statement of these accounts with its remarks. The Federal Council shall take action upon the work of the committee.

Art. 40. The terms of the Customs-Union Treaty of July 8, 1867, remain in force, so far as they have not been altered by the provisions of this Constitution, and as long as they are not altered in the manner designated in articles 7 or 78.

## VII.—RAILWAYS.

Article 41. Railways, which are considered necessary for the defense of Germany, or in the interest of general commerce, may, by imperial law, be constructed at the cost of the Empire, even in opposition to the will of those members of the union through whose territory the railroads run, without prejudice, however, to the sovereign rights of that country; or private persons may be charged with their construction, and receive rights of expropriation.

Every existing railway company is bound to permit new railroad lines to be connected with it, at the expense of the latter.

All laws granting existing railway companies the right of injunction against the building of parallel or competitive lines are hereby abolished throughout the Empire, without detriment to rights already acquired. Such rights of injunction cannot be granted in concessions to be given hereafter.

Art. 42. The governments of the federal States bind themselves in the interest of general commerce, to have the German railways managed as one system, and for this purpose to have all new lines constructed and equipped according to a uniform plan.

Art. 43. Accordingly, as soon as possible, uniform arrangements as to management shall be made, and especially shall uniform regulations be adopted for the police of the railroads. The Empire shall take care that the various railway administrations keep the roads always in such condition as is required for public security, and that they be equipped with such rolling stock as the wants of trade demand.

Art. 44. Railway companies are bound to run as many passenger trains of suitable velocity as may be required for through traffic, and for the establishment of harmony between timetables; also to make provision for such freight trains as may be necessary for the wants of trade, and to organize a system of through booking both in passenger and freight traffic, permitting the wagons to go from one road to the other for the usual remuneration.

Art. 45. The Empire shall have control over the tariff of charges. It shall endeavor to cause:

1. Uniform regulations to be speedily introduced on all German railway lines.

2. The tariff to be reduced and made uniform as far as possible, and particularly to secure low long-distance rates for the transport of coal, coke, wood, minerals, stone, salt, crude iron, manure, and similar articles, as demanded by the interests of agriculture and industry. It shall endeavor in the first instance to introduce a one pfennig tariff as soon as practicable.

Art. 46. In case of public distress, especially in case of an extraordinary rise in the price of provisions, it shall be the duty of the railway companies to adopt temporarily a low special tariff suited to the circumstances, which shall be fixed by the Emperor, on motion of the competent committee of the Federal Council, for the forwarding of grain, flour, vegetables and potatoes. This tariff shall, however, not be less than the lowest rate for raw produce existing on the said line.

The foregoing provisions, and those of articles 42 to 45, shall not apply to Bavaria.

The imperial government, however, has the power, with regard to Bavaria also, to prescribe, by means of legislation, uniform

rules for the construction and equipment of such railways as may be of importance for the defense of the country.

Art. 47. The managers of all railways shall be required to obey, without hesitation, requisitions made by the authorities of the Empire for the use of their roads for the defense of Germany. In particular shall troops and all material of war be forwarded at uniform reduced rates.

#### VIII.—POST AND TELEGRAPH.

Article 48. The post and telegraph system shall be organized on a uniform plan, and managed as State institutions throughout the German Empire. The legislation of the Empire in regard to post and telegraph affairs, provided for in article 4, shall not extend to those matters whose control is left to governmental ordinance or administrative regulation, according to the principles which have prevailed in the North German administration of post and telegraph.

Art. 49. The receipts from post and telegraph throughout the Empire shall belong to a common fund. The expense shall be paid from the general receipts. The surplus goes into the imperial treasury. (Section 12.)

Art. 50. The Emperor has the supreme supervision of the administration of post and telegraph. The authorities appointed by him are in duty bound and authorized to see that uniformity be established and maintained in the organization of the administration and in the transaction of business, as also in regard to the qualifications of employes.

The Emperor shall have the power to issue governmental ordinances and general administrative regulations, to issue general instructions, and also the exclusive right to regulate the relations which are to exist between the post and telegraph offices of Germany and those of other countries.

It shall be the duty of all officers of the post-office and telegraph department to obey the orders of the Emperor. This obligation shall be included in their oath of office.

The appointment of such superior officers as shall be required for the administration of the post and telegraph in the various districts, such as directors, counselors, and superintendents; also the appointment of officers of the post and telegraph acting in the capacity of supervisors for the aforesaid authorities in the several districts, such as inspectors or controllers, shall be made

throughout the Empire by the Emperor, to whom they shall take the oath of office. The governments of the several states shall receive timely notice of the aforementioned appointments, as far as they may relate to their territories, so that they may confirm and publish them.

Other officials required in the administration of the post and telegraph, as also all officials employed for local and technical purposes, including, therefore, all subordinate officials in the office, shall be appointed by the respective governments of the States.

Where there is no independent State administration of post or telegraph, the terms of the various treaties are to be enforced.

Art. 51. In consideration of the differences which have heretofore existed in the net receipts of the post-office departments of the several districts, and for the purpose of securing a suitable equalization during the period of transition below named, the following procedure is to be observed in assigning the surplus of the post-office department to the treasury of the Empire for general purposes. (Article 49.)

From the postal surpluses which accumulated in the several postal districts during the five years from 1861 to 1865, a yearly average shall be computed, and the share which every separate postal district has had in the surplus resulting therefrom for the whole territory of the Empire shall be expressed in a percentage.

In accordance with the ratio thus ascertained, the several states shall be accredited on account of their other contributions to the expenses of the Empire, with their quota accruing from the postal surplus in the Empire, for a period of eight years subsequent to their entrance into the post-office department of the Empire.

At the end of the said eight years the distinction shall cease, and any surplus in the post-office department shall go, without division, into the treasury of the Empire, according to the principle enunciated in article 49.

Of the quota of the post-office department surplus resulting during the aforementioned period of eight years in favor of the Hanseatic towns, one-half shall every year be placed at the disposal of the Emperor, for the purpose of providing for the establishment of the necessary post-offices in the Hanseatic towns.

Art. 52. The stipulations of the foregoing articles 48 to 51 do not apply to Bavaria and Wurtemberg. In their stead the

following stipulations shall be valid for these two states of the Empire.

The Empire alone is authorized to legislate upon the privileges of the post-office and telegraph departments, on the legal relations of both institutions toward the public, upon the franking privilege and rates of postage and telegraphic charges; excepting, however, the adoption of administrative regulations and of postal and telegraph tariffs for domestic communication within Bavaria and Wurtemberg, respectively.

In the same manner the Empire shall regulate postal and telegraphic communication with foreign countries, excepting the immediate intercourse of Bavaria and Wurtemberg with their adjacent foreign states, the regulation of which is subject to the stipulation in article 49 of the postal treaty of November 23, 1867.

Bavaria and Wurtemberg shall not share in the postal and telegraphic receipts which belong to the treasury of the Empire.

#### IX.—MARINE AND NAVIGATION.

Article 53. The navy of the Empire is a united one, under the supreme command of the Emperor. The Emperor is charged with its constitution and organization; he shall appoint the officers and officials of the navy, and in his name these and the seamen shall be sworn in.

The harbor of Kiel and the harbor of the Jade are imperial war harbors.

The expenditure required for the establishment and maintenance of the navy and the institutions connected therewith shall be defrayed from the treasury of the Empire.

All seafaring men of the Empire, including machinists and hands employed in ship-building, are exempt from serving in the army, but are obliged to serve in the imperial navy.

The distribution of requisitions to supply the ranks of the navy shall be made according to the actual seafaring population, and the number furnished in accordance herewith by each State shall be deducted from the number otherwise required for the army.

Art. 54. The merchant vessels of all states of the union shall form the commercial marine of the Empire.

The Empire shall determine the process for ascertaining the tonnage of sea-going vessels, shall regulate the issuing of tonnage

certificates and of ship certificates in general, and shall fix the conditions on which a permit for commanding a sea-going vessel shall be issued.

The merchant vessels of all the states of the union shall be admitted on equal footing to the harbors, and to all natural and artificial water-courses of the several states of the union, and all shall be entitled to similar treatment. The duties which shall be collected in the harbors of sea-going vessels, or levied upon their freights as fees, for the use of marine institutions, shall not exceed the amount required for the ordinary construction and maintenance of these institutions.

On all natural water-courses, duties may only be levied for the use of special establishments, which serve for facilitating commercial intercourse. These duties, as well as the duties for navigating such artificial channels as are property of the State, shall not exceed the amount required for the ordinary construction and maintenance of the institutions and establishments. These rules apply to rafting, so far as it is carried on along navigable water-courses.

The levying of other or higher duties upon foreign vessels or their freights than those which are paid by the vessels of the federal States or their freights, does not belong to the various States, but to the Empire.

Art. 55. The flag of the war and merchant navy shall be black, white and red.

#### X.—CONSULAR AFFAIRS.

Article 56. The Emperor shall have the supervision of all consular affairs of the German Empire, and he shall appoint consuls, after hearing the committee of the Federal Council on trade and commerce.

No new State consulates are to be established within the jurisdiction of the German consuls. German consuls shall perform the functions of State consuls for the States of the union not represented in their district. All the State consulates now existing shall be abolished as soon as the organization of the German consulates shall be completed in such a manner, that the representation of the separate interests of all the federal states shall be recognized by the Federal Council as satisfactorily secured by the German consulates.

# XI.—MILITARY AFFAIRS OF THE EMPIRE.

Article 57. Every German is subject to military duty, and in the discharge of this duty no substitute can be accepted.

Art. 58. The costs and the burden of all the military system of the Empire are to be borne equally by all the federal states and their subjects, and no special privileges or burdens upon the several states or classes are admissible. Where an equal distribution of the burdens cannot be effected in natura without prejudice to the public welfare, the equalization shall be effected by legislation in accordance with the principles of justice.

Art. 59. Every German capable of bearing arms shall belong for seven years to the standing army (ordinarily from the end of his twentieth to the beginning of his twenty-eighth year); the first three years in active service, the last four years in the reserve; and during the next five years he shall belong to the Landwehr (national guard). In those States of the Union in which heretofore a longer term of service than twelve years was required by law, the gradual reduction of the required time of service shall take place only so far as is compatible with a due regard to the war footing of the army of the Empire.

As regards the emigration of men belonging to the reserve, only those provisions shall be in force which apply to the emigration of members of the Landwehr.

Art. 60. The number of the German army in time of peace shall be fixed until the 31st of December, 1871, at one per cent of the population of 1867, and shall be furnished by the several federal States in proportion to their population. After the above date the strength of the army in time of peace shall be fixed by legislation.

Art. 61. After the publication of this Constitution the complete Prussian system of military legislation shall be introduced without delay throughout the Empire, both the statutes themselves and the regulations, instructions and ordinances issued for their execution, explanation or completion; thus, in particular, the military penal code of April 3, 1845; the military system of penal procedure of April 3, 1845; the ordinance concerning the courts of honor of July 20, 1843; the regulations with respect to recruiting, time of service, matters relating to the care and subsistence, to the quartering of troops, claims for damages, mobilizing, etc.,

in times of peace and war. The military code relating to religious observance is, however, excepted.

When a uniform organization of the German army for war purposes shall have been established, a comprehensive military code for the Empire shall be submitted to the Diet and the Federal Council for their action, in accordance with the Constitution.

Art. 62. For the purpose of defraying the expense of the whole German army, and the institutions connected therewith, the sum of 225 thalers shall be placed yearly at the disposal of the Emperor until the 31st of December, 1871, for each man in the army on the peace-footing, according to article 60. (See section 12.)

After the 31st December, 1871, the payment of these contributions by the several states to the imperial treasury must be continued. The strength of the army in time of peace, which has been temporarily fixed in article 60, shall be taken as a basis for calculating the amounts due until it shall be altered by a law of the Empire.

The expenditure of this sum for the imperial army and its establishments shall be determined by a budget law.

In determining the budget of military expenditure, the lawfully established organization of the imperial army, in accordance with this Constitution, shall be taken as a basis.

Art. 63. The total land force of the Empire shall form one army, which in war and in peace shall be under the command of the Emperor.

The regiments, etc., throughout the whole German army shall bear continuous numbers. In adopting a uniform, the principal colors and cut of the Prussian uniform shall serve as a pattern for the other contingents of the army. It is left to commanders of contingent forces to choose the external badges, cockades, etc.

It shall be the duty and the right of the Emperor to take care that throughout the German army all divisions be kept full and ready to take the field, and that uniformity be established and maintained in regard to organization and formation, equipment and command; in the training of the men, and in the qualifications of the officers. For this purpose the Emperor shall be authorized to satisfy himself at any time by inspection, of the condition of the several contingents, and to order the correction of existing defects.

The Emperor shall determine the strength, composition and division of the contingents of the imperial army, and also the organization of the Landwehr, and he shall have the right to determine the garrisons within the territory of the union, as also to mobilize any portion of the army.

In order to maintain the necessary unity in the administration, care, arming and equipment of all divisions of the German army, all orders hereafter issued for the Prussian army shall be communicated in due form for their observance to the commanders of the remaining contingents through the committee on the army and fortifications, provided for in article 8, No. 1.

Art. 64. All German troops are bound implicitly to obey the orders of the Emperor. This obligation shall be included in the military oath.

The commander-in-chief of a contingent, as well as all officers commanding troops of more than one contingent and all commanders of fortresses, shall be appointed by the Emperor. The officers appointed by the Emperor shall take the military oath to him. The appointment of generals, or of officers performing the duties of generals, in a contingent, shall be in each case subject to the approval of the Emperor.

In the transfer of officers, with or without promotion, to positions which are to be filled by him in the service of the Empire, be it in the Prussian army or in other contingents, the Emperor has the right to select from the officers of all the contingents of the army of the Empire.

Art. 65. The right to construct fortresses within the territory of the Empire shall belong to the Emperor, who shall ask (according to section 12) for the appropriation of the means required for that purpose, if not already included in the regular appropriation.

Art. 66. In the absence of special agreement, the princes of the Empire and the Senates shall appoint the officers of their respective contingents, subject to the restriction of article 64. They are the chiefs of all the troops belonging to their respective territories, and are entitled to the honors connected therewith. They shall have the right to hold inspections at any time, and shall receive, besides the regular reports and announcements of changes, timely information of all promotions and appointments concerning their respective contingents, in order to provide for their publication by State authority as required.

They shall also have the right to employ, for police purposes, not only their own troops, but all other divisions of the army of the Empire which are stationed in their respective territories.

Art. 67. The unexpended portion of the military appropriation shall, under no circumstances, fall to the share of a single government, but at all times to the treasury of the Empire.

Art. 68. The Emperor shall have the power, if public security within the federal territory demands it, to declare martial law in any part of the Empire; and until the publication of a law regulating the occasions, the form of announcement, and the effects of such a declaration, the provisions of the Prussian law of June 4, 1851, shall be considered in force.

#### FINAL PROVISION OF SECTION XI.

The provisions contained in this section are to be applied in Bavaria, according to the provisions of the treaty of November 23, 1870; in Wurtemberg, according to the provisions of the military convention of November 21-25, 1870.

#### XII.—FINANCES OF THE EMPIRE.

Article 69. All receipts and expenditures of the Empire shall be estimated yearly, and included in the budget. The latter shall be fixed by law before the beginning of the fiscal year, according to the following principles:

Art. 70. The surplus of the previous year, the common revenues derived from customs duties, from the common excise duties, and from the postal and telegraph service, shall be applied to the defrayal of all general expenditures. In so far as these expenditures are not covered by the receipts, they shall be provided for, as long as no taxes of the Empire shall have been established, by assessing the several states of the Empire according to their population, the amount of the assessment to be fixed by the Chancellor of the Empire in accordance with the budget agreed upon.

Art. 71. The general expenditures shall be, as a rule, granted for one year; they may, however, in special cases, be granted for a longer period. During the period of transition fixed in article 60, the financial estimate, properly classified, of the expenditures of the army shall be laid before the Federal Council and the Diet merely for their information.

Art. 72. For the purpose of discharge, an annual report of the expenditure of all the receipts of the Empire shall be rendered, through the Imperial Chancellor, to the Federal Council and the Diet.

Art. 73. In cases of extraordinary requirements, a loan may be contracted by Imperial law, or a guarantee assumed in the name of the Empire.

#### FINAL PROVISION OF SECTION XII.

Articles 69 and 71 apply to expenditures for the Bavarian army, subject to the provisions of the treaty of November 23, 1870 (mentioned in the final provision of section XI) and article 72 only so far as it is required to inform the Federal Council and the Diet that the sum necessary for the Bavarian army has been assigned to Bavaria.

#### XIII.—SETTLEMENT OF DISPUTES AND PENAL PROVISIONS.

Article 74. Every attempt against the existence, the integrity, the security, or the Constitution of the German Empire; finally, any offense committed against the Federal Council, the Diet, a member of the Federal Council, or of the Diet, a magistrate or a public official of the Empire, while in the execution of their duty, or with reference to their official position, by word, writing, printing, drawing, pictorial or other representations, shall be judged and punished in the several states of the Empire according to the laws therein existing, or which shall hereafter exist in the same, by which provision is made for the judgment of similar offenses against any one of the states of the Empire, its Constitution, Legislature or estates, members of its Legislature or its estates, authorities, or officials.

Art. 75. For those offenses specified in article 74 against the German Empire, which, if committed against one of the states of the Empire, would be deemed high treason, the Superior Court of Appeals of the three free Hanseatic towns at Lubeck shall be the competent deciding tribunal in the first and last resort.

More definite provisions as to the competency and the procedure of the Superior Court of Appeals shall be made by imperial law. Until the passage of a law of the Empire, the existing competency of the courts in the respective States of the Empire, and

the provisions relative to the procedure of those courts, shall remain in force.

Art. 76. Disputes between the different States of the union, so far as they are not of a private nature, and therefore to be decided by the competent judicial authorities, shall be settled by the Federal Council, at the request of one of the parties.

In disputes relating to constitutional matters in those states of the union whose Constitution does not designate an authority for the settlement of such differences, the Federal Council shall, at the request of one of the parties, attempt to bring about an adjustment, and if this cannot be done, the matter shall be settled by imperial law.

Art. 77. If, in one of the states of the union, justice shall be denied, and no sufficient relief can be procured by legal measures, it shall be the duty of the Federal Council to receive substantiated complaints concerning denial or restriction of justice, which are to be judged according to the Constitution and the existing laws of the respective states of the union, and thereupon to obtain judicial relief from the state government which shall have given occasion to the complaint.

#### XIV.—AMENDMENTS.

Article 78. Amendments of the Constitution shall be made by legislative enactment. They shall be considered as rejected when fourteen votes are cast against them in the Federal Council.

The provisions of the Constitution of the Empire, by which certain rights are secured to particular states of the union in their relation to the whole, shall only be modified with the consent of the states affected.

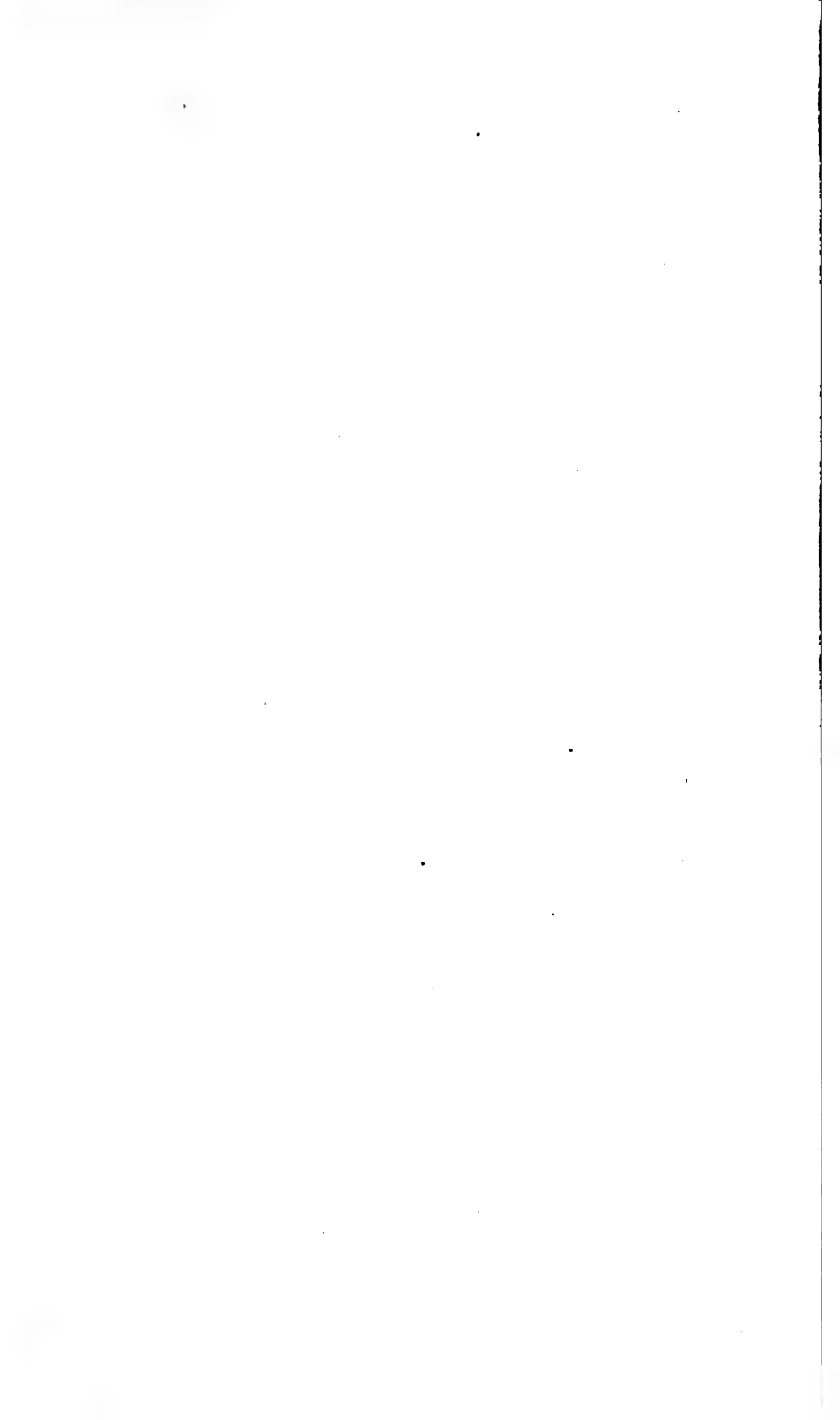
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CONSTITUTION

OF THE

REPUBLIC OF HONDURAS.

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# CONSTITUTION OF THE REPUBLIC OF HONDURAS.

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## *Declaration of Rights.*

### Article.

1. It is a separate portion of Central America.—The Constitution may be reformed or abolished.
2. The Republic is free, sovereign, independent.
3. Public power emanates from the people.
4. The government.—It shall be exercised by the legislative, executive and judicial.
5. Boundaries.
6. The Constitution guarantees life, liberty, equality, and rights of property.
7. Individual legal guarantees recognized by the Republic.
8. Slavery illegal.—Traffic in slaves a crime.
9. All shall have liberty to publish their ideas; to dispose of property; in religious belief; to assemble peaceably without arms; to petition; to leave the territory.
10. No personal privileges.—Honduraneans eligible for public office.—Ministers of religious societies not eligible.—Natives and foreigners equal before civil law.
11. Property inviolable.—Congress alone may impose taxes.—No personal servitude.—Confiscation abolished.—Rights of authors and inventors.
12. In regard to the guarantees of public rights.
13. No foreigner is more privileged than another.—Not compelled to be naturalized.—How it is obtained.
14. Duties of foreigners to the Republic.

### Article.

15. Laws and treaties to regulate the use of guarantees, but no power to diminish them.
16. Military service obligatory.—Naturalized Honduraneans exempt for ten years.
17. Military jurisdiction.
18. No armed body may deliberate.
19. Sedition defined.
20. Usurped authority illegal.—Its acts are void.
21. In regard to a state of siege.
22. Neither Honduraneans nor foreigners may claim indemnity for injury in time of revolts.
23. Certain officers may be accused of treason.—Judgment limited to deposing the accused.
24. Primary education is obligatory, non-clerical, and gratuitous.—No minister of any religious society may direct any educational establishment sustained by the State.
25. This State shall encourage agriculture, commerce, immigration, construction of roads and railroads, and the establishment of new industries.
26. River navigation open to all.
27. The Constitution may be amended by a national Constitutional Convention.
28. Employes or officers of the Republic to make the following promise.
29. Honduraneans are such by birth or naturalization.
30. Those by birth are: All persons born in the Republic; natives of the other Central American Republics.
31. Those by naturalization are: Spanish-Americans domiciled

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### Article

in the Republic; foreigners referred to in section 4, article 13.

32. Citizens are: All natives or naturalized Honduraneans above twenty-one years of age, with an occupation.
32. The same if above eighteen years of age and can read and write or are married.
33. The rights of citizenship shall be suspended.
34. How rights of citizenship are lost.
35. Suffrage is public and direct.—It is irrenounceable and obligatory.
36. Who may be voted for.

### *Departments of Government.*

37. Legislative power is by a Congress of Deputies.—Its session and time of meeting.
38. Five Deputies have the power to insure the attendance of the others.—Two-thirds required to determine the resolution of a question.
39. Deputies elected for four years and may be re-elected indefinitely.
40. Eligibility as a Deputy.
41. Secretaries of State, soldiers in active service, governors, etc., are not eligible.
42. Deputies are privileged from arrest.—Not responsible for words uttered in debate.
43. Electoral districts.—Number of Deputies from each.

### *Powers of Congress.*

44. Enumeration of the powers of Congress.
45. To provide for the defense and external security of the country, etc.
46. To approve or disapprove the accounts for public expenses, etc.
47. To approve or disapprove of declarations of "state of siege" made during its recess, etc.
48. Congress may delegate to the executive legislative powers, etc.

### Article

49. By whom laws may be initiated.  
--How bills shall be presented.

50. All bills to be read three times, except in case of urgency.
51. The executive to approve or disapprove of all bills.
52. When the executive declines to give his approval.
53. If a bill is passed by Congress at the end of its session.
54. If a bill is rejected it shall not be again presented till next session.
55. How a bill shall be voted on when returned by the executive.
56. The approval of the executive is not necessary for the following acts or resolutions.
57. Bills passed by Congress to be written in duplicate.
58. If the executive approves a bill.
59. How the promulgation of a law shall be made.

### *The Executive Department.*

60. The executive power vested in the President.
61. Qualifications for President.
62. How elected.—In case of a tie.
63. Term of office four years.—May be re-elected.
64. There shall be one or more Secretaries of State.
65. Qualifications of the same.
66. His duties and responsibility.
67. They shall present to the Congress detailed reports.
68. Also the estimates for their respective departments.
69. May attend sessions of Congress and take part in the debates, but may not vote.
70. In case the President, for any reason, is unable to perform the duties of office, he shall choose a substitute.
71. The President is the supreme chief of the nation.
72. He executes the laws, nominates judges, receives resignations of judges, nominates employes of the executive department, grants pardons, commutes pen-

Article

- alties, convokes special sessions of Congress, and sends a message to Congress.
73. He concludes and signs treaties of peace, of commerce, etc.—He nominates the diplomatic and consular agents.
74. He causes the revenues to be collected.—In case of invasion or rebellion he may decree a general extraordinary contribution.
75. President is Commandant-General and General-in-Chief.—Appoints certain officers, etc.
76. The judicial power of the Republic, how vested.
77. Qualifications for office of Judge of Supreme Court.
78. Neither the President nor Con-

Article

- gress may exercise judicial functions.
79. Supreme Court judges shall hold their office for four years.
80. Powers of courts regulated by law.
81. The administration of justice shall be gratuitous.
- Municipal Government.*
82. Incorporated municipalities.
83. The municipality is autonomous.—Its officers elected directly by the people.
84. Powers of municipal officers limited.
85. The punishment of death may be imposed.
86. This Constitution shall commence to be in force on December 1, 1880.

PART I.

DECLARATIONS, PRINCIPLES, RIGHTS AND FUNDAMENTAL GUARANTEES.

*Chapter I.—Declaration and Principles.*

Article 1. Honduras considers itself a separate portion of the Republic of Central America. In consequence, it recognizes as its principal duty and its most urgent necessity the return to a union with the other sections of the disunited Republic. In order to attain this capital object, the present Constitution shall present no obstacles, as it may be reformed or abolished by Congress in order to ratify the compacts, treaties, and agreements which tend to give or have for a result the national reconstruction of Central America.

Art. 2. The Honduran nation is a Republic—sovereign, free, and independent.

Art. 3. All public power emanates from the people. The functionaries of the State are its delegates and possess no more powers than those expressly given to them by the law. For it they legislate, administer and judge, and to it they must give an account of their proceedings.

Art. 4. The government of the Republic is Democratic, representative, alternative, and responsible; and it shall be exercised

by three distinct departments: Legislative, executive, and judicial.

Art. 5. The boundaries of the Republic and its territorial division shall be the subject of a law.

### *Chapter II.*

Article 6. The Constitution guarantees to all the inhabitants of the Republic, whether Honduraneans or foreigners, the inviolability of human life, individual security; liberty, equality, and the rights of property.

#### **Individual Security.**

Article 7. (1) The Republic recognizes the guarantee of habeas corpus.

(2) No order of arrest is legal which does not emanate from competent authority. Detention for inquiry shall not exceed six days, and the justice of peace shall be obliged, within that time, to liberate or commit the accused.

(3) The delinquent taken in the act may be apprehended by any person for the purpose of delivering him immediately to the authority that has the power of arrest.

(4) Even with a decree of commitment, no person shall be conveyed to prison, nor be detained in it if he offers bail, when, for the offense, he is not liable to corporeal punishment.

(5) No one shall be condemned without previous trial, founded on law prior to the event which is the motive of the process.

(6) No one shall be tried by special commissions or removed from the judges designated by the law antedating the event which originated the case.

(7) No one shall be compelled, in a criminal case, to testify against himself or against his relations to the fourth grade of consanguinity or the second affinity.

(8) The right of defense is inviolable.

(9) Torture is forever abolished. Fetters which are not absolutely necessary for the security of prisoners shall not be used.

(10) Solitary confinement of the detained or prisoners shall not be used unless by written order of the judge in the case, and only for a short time and for competent motives. No one shall be imprisoned or detained except in the public places designated for that purpose.

(11) The dwelling place is inviolable. Epistolary or telegraphic correspondence, private papers, or books used in commerce are inviolable.

(12) No inhabitant shall be disturbed or persecuted for his opinion, of whatever nature they may be, provided that he does not, by direct or positive act, disturb order or infringe the law.

(13) Retroactive laws, orders, provisional judgments, proscriptions, condemnations without trial and defamatory are oppressive, unjust and of no effect. The authorities who commit such violations shall be responsible with their persons and goods for the consequential damage.

(14) Police powers shall be intrusted only to the civil authorities.

#### Liberty.

Article 8. The slave that treads Honduran territory shall be free. Traffic in slaves is a crime.

Art. 9. All shall have liberty—

(1) To publish their ideas by printing without previous censorship.

(2) To dispose of their property without any restriction by sale, gift, will, or by any other legal method.

(3) To profess any religion. The State shall not contribute to the support of any religion. Religions shall be sustained by the voluntary contribution of those who profess them. The State shall exercise the right of supreme inspection over all religions conformably to law and to the police regulations relative to their external ceremonies.

(4) To exercise their profession, business, or industry.

(5) To associate and assemble peacefully without arms. The establishment of all classes of monastic associations is prohibited.

(6) To exercise the right of petition.

(7) To be educated.

(8) To travel in the territory of the Republic, to remain in it, and to leave it without a passport.

(9) To carry on commerce and navigation.

#### Equality.

Article 10. (1) Before the law there are no personal charters or privileges.

(2) All Honduraneans shall be eligible for public office without any other condition than their fitness. Ministers of the different religious societies are not permitted to fill public offices.

(3) Equality is the basis of taxes.

(4) The civil law does not recognize a difference between natives and foreigners.

#### Property.

Article 11. (1) Property is inviolable. No one shall be deprived of it except by the power of law or by a sentence founded on law. Expropriation for reasons of public utility shall be qualified by law or by sentence founded on law, and shall not be carried out without previous indemnification.

(2) Congress alone may impose taxes.

(3) No personal servitude can be demanded except by process of law or by sentence founded on law.

(4) Confiscation is declared abolished forever.

(5) Every author or inventor shall enjoy exclusive proprietorship of his work or discovery.

(6) No armed body shall be allowed to make requisitions.

Art. 12. The laws regulate the use of these guarantees of public rights; but no law shall be made for convenience of regulating or organizing the use of them, which shall diminish, restrict or corrupt them in their essence.

#### *Chapter III.—Public Rights Granted to Foreigners.*

Article 13. (1) No foreigner is more privileged than another. All shall enjoy the civil rights of Honduraneans. Consequently they are permitted to buy, sell, locate, exercise industries or professions; to own all kinds of property and to dispose of them in the form prescribed by law; to enter the country and depart from it with such property; to frequent, with their vessels, the ports of the Republic and navigate its seas and rivers. They shall be free from extraordinary contributions; they are guaranteed entire liberty of conscience, and are allowed to construct churches and cemeteries in any part of the Republic. Their marriage contracts cannot be invalidated for not being in conformity with the religious regulations of any belief, if they have been legally celebrated.

(2) They are not compelled to be naturalized.

(3) They are permitted to choose public careers according to the conditions of law, and in no case shall they be excluded solely on account of their origin.

(4) Naturalization may be obtained by one year's continuous residence in the country (colonists can obtain without this requi-

sition) by those who settle in places inhabited by natives or on uninhabited lands; by those who commence and carry on important works of general utility; by those who introduce considerable fortunes into the country, and by those recommended by inventions or applications of great utility to the Republic.

Art. 14. Foreigners, on their arrival in the territory of the Republic, must respect the authorities and obey the laws. Also, they must observe the dispositions and regulations of the police, and pay the local taxes and contributions established in consequence of business, industry, profession, property, or possession of goods, as well as those established for the same purpose for the future, whether antecedent ones are increased or diminished.

Art. 15. Laws and treaties may regulate the use of these guarantees without power to diminish or change them.

*Chapter IV. — Guarantees Order and Progress.*

Article 16. Military service is obligatory. Every Honduran between eighteen and thirty-five years of age is a soldier of the active army, and between thirty-five and forty is a soldier of the reserve. Naturalized Honduraneans are exempt for ten years. The organization of the army shall be regulated by law.

Art. 17. Military jurisdiction is established. Its extension shall be determined by the respective codes.

Art. 18. The public force is essentially obedient; no armed body may deliberate.

Art. 19. Every person or assemblage of persons who assume the title of representatives of the people, arrogates their rights, or makes representations in their name, commits sedition.

Art. 20. All usurped authority is illegal; its acts are void. Every decision agreed to by intimation, direct or indirect, of an armed body or gathering of the people, is void of right and shall have no legal effect.

Art. 21. Whenever the Republic, or any place in the Republic, is declared in a state of siege, the dominion of the Constitution shall be suspended in the locality to which the state of siege refers.

Art. 22. Neither Honduraneans nor foreigners may, in any case, claim from the State any indemnity for damage or injury to their persons or goods caused by revolts.

Art. 23. The President of the Republic, the judges of the Supreme Court, the Secretaries of State, and the diplomatic agents may be accused before Congress for the crime of treason,

or for damaging and violation of the Constitution and laws. The political judgment is limited to deposing the accused from his office and delivering him to the regular tribunals.

Art. 24. The State considers it a sacred duty to promote and protect public education in its different branches. Primary education is obligatory, non-clerical, and gratuitous. Secondary and higher education shall also be non-clerical. No minister of any religious society shall be permitted to direct educational establishments sustained by the State.

Art. 25. The State shall provide in every way for the welfare and advancement of the country, promoting the progress of agriculture, industry, and commerce; of immigration, the colonization of vacant lands, and the construction of roads and railroads; the establishment of new industries and the founding of institutions of credit; of the importation of foreign capital and the exploration and canalization of the rivers and lakes, by means of laws protective of these objects and temporary concessions of privileges and stimulating recompenses.

Art. 26. The navigation of the rivers is free to all flags.

Art. 27. The present Constitution may be amended. The necessity for amendment may be declared by the ordinary Congress, but the amendment can only be affected by a national constitutional convention convened for the purpose. No proposition of amendment shall be efficacious unless approved by a two-third majority of Congress. The case provided for in article 1 is exempt from these requirements.

Art. 28. Every employe or officer of the Republic, on taking possession of his office, shall make the following promise: I promise that I will obey and enforce obedience to the Constitution and laws, adhering to their text, whatever may be the orders to the contrary or the authority from which they emanate.

*Chapter V.—Of Nationality, Citizenship and Elections.*

Article 29. Those persons are Honduraneans who are born in the territory of the Republic and those who are naturalized in the country according to law:

Art. 30. Honduraneans by birth are:

(1.) All persons who have been or shall be born in the territory of the Republic. The nationality of children of foreigners born in Honduran territory and of children of Honduraneans born in foreign territory shall be determined by the treaties. When

no treaties exist, children born in Honduras of foreign parents domiciled in the country are Honduraneans.

(2) Natives of the other Central American Republics shall be considered as native Honduraneans, from the fact of their being found in any part of the Honduran territory, unless they manifest before the proper authority their intention to preserve their nationality.

Art. 31. Honduraneans by naturalization are:

(1) Spanish-Americans domiciled in the Republic who do not preserve their nationality.

(2) Those foreigners referred to in the cases mentioned in section 4 of article 13; provided that they are inscribed in the civic register in the form determined by law.

(3) Those who obtain letters of naturalization from the authority designated by law.

Art. 32. Citizens are:

(1) All native or naturalized Honduraneans above twenty-one years of age who have a profession, office, income, or property which assures them subsistence.

(2) Native or naturalized Honduraneans above eighteen years of age who can read and write or who are married.

Art. 33. The rights of citizenship shall be suspended:

(1) For being under criminal process and sentence of imprisonment.

(2) For notoriously vicious conduct or for vagrancy legally declared.

(3) For aberration of mind judicially declared.

(4) For sentence of deprivation of political rights.

Art. 34. Honduraneans who enter the employ of other governments without permission of Congress or the executive lose their rights of citizenship. From this rule are excepted Honduraneans who take office from the governments of Central America, excepting the case where they render military service or accept military offices without previous permission from the executive power.

Art. 35. The suffrage is irrenounceable and obligatory, and belongs to the citizens in enjoyment of their rights. The suffrage is public and direct. Elections shall be held in the form prescribed by law.

Art. 36. Only citizens in the enjoyment of their rights can be voted for according to law.

## PART II.

## DEPARTMENTS OF THE GOVERNMENT.

*Chapter VI.—Of the Legislative Department.*

## Section I.—Of Its Organization.

Article 37. The legislative power is exercised by a Congress of Deputies, who shall meet by right in the capital of the Republic every two years, from the 1st to the 15th of January, without the necessity of convocation. Its sessions shall last sixty days, with power of adjournment, and of closing earlier by agreement with the executive. Extraordinary sessions may be held when duly convoked, in which case only the business for which it was called together can be transacted.

Art. 38. A number of Deputies, not less than five, have the power to take the necessary measures to insure the attendance of the remainder. Congress may transact business, provided two-thirds of the elected Deputies are present, and a simple majority is sufficient to determine the resolution of a question.

Art. 39. Deputies shall be elected for four years, and may be re-elected indefinitely. Congress shall be renewed one-half every two years by drawing lots, which shall be done at the close of the session. Thereafter renewals shall succeed in order of seniority.

Art. 40. In order to be eligible for election as a Deputy it is required that the candidate be a citizen in the enjoyment of his rights, and not less than twenty-five years of age.

Art. 41. The following are not eligible for Deputies:

- (1) The Secretaries of State.
- (2) Soldiers in active service.
- (3) Governors and collectors of revenue for the department or electoral district in which they exercise their functions.

Art. 42. Deputies are privileged from arrest. At no time shall they be held responsible for the ideas, either by word or in writing, which they may utter in the discharge of their duty as legislators.

Art. 43. For the election of Deputies to Congress, the territory of the Republic shall be divided into electoral districts containing ten thousand inhabitants. Each district shall elect one Deputy proper and one alternate. But until this division shall be made each department shall elect three Deputies and two alternates. The department of "the Bay Islands" and "Mosquito," shall each elect only one Deputy and one alternate.

Section II.—Powers of Congress.

Art. 44. The Congress has the following powers:

In the Department of the Interior.

- (1) To certify the election of its members and to approve or reject their credentials.
- (2) To summon the alternates in case of the death or legitimate disability of members.
- (3) To accept the resignation of Deputies or alternates presented for legally verified causes.
- (4) To make its internal regulations.
- (5) To decree, interpret, reform, and abolish the laws.
- (6) To create and suppress public employments and to fix their attributes; to grant pensions; to decree honors and concede amnesties and pardons, general or individual, when the public service requires it or the petitioner has in his favor eminent services rendered to the nation.
- (7) To elect the judges of the Supreme Court of Justice and to accept or reject their resignations.
- (8) To make all arrangements concerning the security and defense of the Republic and its advancement and prosperity.
- (9) To regulate internal commerce.
- (10) To declare the legality of the election of the President of the Republic, to hold such election in the case stated in article 62, and to accept or reject the resignation of the President.
- (11) To constitute itself a jury of accusation for the President of the Republic, the judges of the Supreme Court of Justice, the Secretaries of State, and the diplomatic agents.

In the Department of Foreign Affairs.

- Art. 45. (1) To provide all that may be necessary for the defense and external security of the country.
- (2) To declare war and make peace.
  - (3) To approve or reject treaties made with foreign nations.
  - (4) To regulate commerce by land or sea.

In the Department of Finance.

- Art. 46. (1) To approve or disapprove the accounts for public expenses.
- (2) To determine biennially the estimates for said expenses.
  - (3) To impose or abolish taxes.

(4) To contract national debts, to regulate the payment of those existing, and to make loans.

(5) To establish seaports and create and abolish custom-houses.

(6) To determine the weight, legality, and style of the national money.

In the Department of War.

Art. 47. (1) To approve or disapprove of declarations of "state of siege" made during its recess.

(2) To determine biennially the number of sea and land forces to be maintained.

(3) To approve or disapprove a declaration of war which the executive power may have made.

(4) To permit the departure of national troops beyond the limits of the Republic, and to concede the passage or stationing of foreign troops in the national territory; guarding, in every case, the laws of neutrality.

(5) To declare the Republic, or any part of it, to be in "state of siege" in cases of foreign aggression, internal commotion, or the disturbance of public peace.

Art. 48. Congress may delegate to the executive legislative powers in the branches of police, finance, war, marine, public instruction, and public works.

Section III.—Of the Formation, Approval, and Promulgation of Laws.

Art. 49. Laws may be initiated by any member of Congress, by the President of the Republic, and by the Supreme Court of Justice on subjects pertaining to it. Bills shall be presented by Deputies by means of a written proposition, by the President in a message, and by the Supreme Court of Justice by an explanation.

Art. 50. No bill, except in a case of urgency recognized by Congress, shall be passed until it has been read three times. Every proposition which has for its object to declare the urgency of a law must be preceded by an explanation of the reasons on which such proposition is founded.

Art. 51. All bills, after discussion and approval by Congress, shall pass to the executive, who, if he does not object to them, shall give them his sanction and publish them as laws.

Art. 52. When the executive declines to give his approval to a bill, it shall be returned to Congress within ten days, with obser-

vations as to the reasons on which his disapproval is founded. If, within the said period, it is not returned disapproved, it shall be considered as approved and be published as a law. In case a bill is returned, it shall be discussed again by Congress, and if passed by a two-third majority, it shall be sent to the executive for promulgation.

Art. 53. When Congress passes a bill at the end of its session and the executive is in doubt about his approval, he must immediately give notice to Congress so that it may remain in session for ten days, counting from the date of the bill, and if not approved in that time the bill shall be considered as sanctioned.

Art. 54. When a bill has been rejected or not ratified it shall not be presented again until the following session.

Art. 55. When the executive returns a bill to Congress, the voting on it shall be by name and shall be recorded in the proceedings of the day.

Art. 56. The approval of the executive is not necessary for the following acts or resolutions :

(1). In the elections which Congress holds or ratifies and the resignations which it admits or rejects.

(2). For the declarations which Congress makes as a jury of accusation or impeachment.

(3). For the regulations Congress makes for its internal management.

Art. 57. Every bill passed by Congress shall be written in duplicate and shall be sent to the executive with his indorsement, "To the executive power." If he does not approve it he shall return it to Congress with this indorsement, "Return to the National Congress."

Art. 58. A bill having been received by the executive, if he finds no objection to it, he shall approve it, returning one copy to Congress and reserving the other to promulgate it as a law within ten days.

Art. 59. The promulgation of the law shall be made in the following terms : "The President of the Republic of Honduras, to its inhabitants, be it known, that the National Congress has ordained the following : (Here the text and signatures). Therefore, let it be executed."

*Chapter VII.—Of the Executive Department.*

## Section 1.—Of its Organization.

Article 60. The executive power shall be exercised by a citizen who shall be called the President of the Republic.

Art. 61. The President of the Republic must be a Honduran by birth, a citizen in the enjoyment of his rights, and above thirty years of age.

Art. 62. The President of the Republic shall be elected by popular vote and his election declared by Congress, as has been prescribed. But when a scrutiny of votes has been made and it is found that no absolute majority exists, the Congress shall proceed to an election from the three candidates who have obtained the largest number of votes. In this case the voting shall be public and by name, and the election shall be concluded in one session only.

Art. 63. The constitutional period for which the President shall hold his office is four years, and he may be re-elected for the succeeding term, but he shall not be elected for a third term until four years shall have elapsed from the conclusion of his second term. The Presidential term shall commence on the first of February of the year of renewal.

Art. 64. For the dispatch of business the President of the Republic shall have one or more Secretaries of State, and he shall designate their respective departments.

Art. 65. To be a Secretary of State it is necessary to be above twenty-five years of age, and a citizen in the enjoyment of his rights.

Art. 66. The Secretary of State shall countersign the decrees of the President of the Republic, without which requisite they shall not be legal; but he shall not exercise this authority alone. He is responsible for the decrees which he legalizes, and jointly for those which he agrees to with his colleagues, except in case he protests against them.

Art. 67. The Secretaries of State shall present to Congress at the commencement of the regular sessions detailed reports and documents upon the acts of the executive in every one of the respective branches of the public administration. These reports shall serve as a basis whereby Congress may judge of the conduct of the executive, of all of which it has, by the Constitution, the power to approve or disapprove.

Art. 68. The Secretaries of State shall present biennially to Congress the estimates for the expenditures of their respective departments and the account of the expenditure of the funds voted in the two years preceding.

Art. 69. The Secretaries of State are empowered to attend the sessions of Congress and take part in the debates, but not to vote. They must respond to questions asked them by any Deputy respecting any of the affairs within the authority of Congress, except those relating to war and foreign relations, when the President of the Republic considers secrecy to be necessary.

Art. 70. When the President of the Republic shall take command personally of the armed forces, or when, through sickness, absence from the territory of the Republic or other serious motive, he shall be unable to perform the duties of his office, he shall substitute at his choice either the Cabinet of Secretaries of State or one of the Secretaries of State to act during the continuance of his disability. In case of the death of the President, the acceptance of his resignation, or other kind of absolute disability which cannot cease before the completion of the time wanting to finish the four years of his constitutional term, the Secretary of War shall act as substitute for the President of the Republic, and shall, within the positive time of ten days, call upon the people by means of a decree, to elect a President in conformity with the provisions of the Constitution. The President so elected shall remain in office for the term of four years.

## Section II.—Of the Attributes of the Executive Power.

Article 71. The President of the Republic is the supreme chief of the nation; he has under his charge the general administrative departments of the country, and his attributes are as follows :

### In the Department of the Interior.

Article 72. (1) He executes and compels obedience to the laws, issuing the decrees and orders necessary for that purpose, but taking care not to alter their spirit by exceptional regulations.

(2). He nominates the judges of the Courts of Appeal on the proposal of the Supreme Court, and the judges of district courts in the form prescribed by law.

(3). He receives, during recess of Congress, resignations of the judges of the Supreme Court, and in this case nominates pro-

visionally the judges to act as substitutes. Like nominations shall be made in case of death or absolute disability of the members of the Supreme Court.

(4). He nominates the employes of the executive department conformably to law.

(5) He watches over the prompt and faultless administration of justices, and over the official conduct of the employes of that branch.

(6). He removes and deprives of office, the employes at his discretion.

(7). He grants, during recess of Congress, amnesties and pardons, general or individual, when public interest demands it, or the petitioner has in his favor important services rendered to the nation.

(8). He commutes the penalties when the superior tribunal, which has pronounced the sentence against the criminal, recommends such commutation and so expresses in said sentence, and for any of the reasons which the law may point out.

(9). He concedes to employes leaves of absence, superannuations, retirements, or advances of pay, in conformity with law.

(10). He prorogues the regular sessions of Congress and convokes special sessions when a serious national interest requires it.

(11). He gives an account in a message to Congress at the opening of its regular sessions, of the general state of the public administration and the use he has made of the powers delegated to him.

#### In the Department of Foreign Affairs.

Article 73. (1) He concludes and signs treaties of peace, of commerce, of navigation, of alliance, of neutrality, and other negotiations necessary for the maintenance and cultivation of good international relations.

(2). He nominates the diplomatic and consular agents of the Republic, receives the Ministers, and admits the Consuls of foreign nations.

#### In the Department of Finance.

Article 74. (1) He causes the revenues of the Republic to be collected and managed, and orders their expenditure as arranged by law.

(2). He decrees, in case of invasion or rebellion, if the resources of the Treasury are not sufficient, a general extraordinary contri-

bution, of the expenditure of which he shall give account to Congress at its next session.

In the Department of War.

Article 75. (1) The President is the Commander-General and General-in-Chief of the sea and land forces of the Republic.

(2). He confers all military employments. Of his own power, he appoints to all grades up to that of colonel on the active list. He confers those of brigadier-general and general of division with the concurrence of Congress, and he may confer these grades on the field of battle without that requisite.

(3). He disposes of the military forces, and to him belongs their organization and distribution according to the necessities of the State.

(4). During the recess of Congress he declares war, and grants privateering commissions and letters of reprisal.

(5). During the recess of Congress, he declares the Republic or any part of the Republic in a state of siege, in case of external aggression, internal disturbance, or if the peace of the country is threatened.

*Chapter VIII.—Of the Judicial Department.*

Article 76. The judicial power of the Republic is exercised by a Supreme Court composed of five judges, and by the superior and inferior tribunals established by law.

Art. 77. To be a judge of the Supreme Court, it is necessary to be a citizen in the enjoyment of his rights, above twenty-five years of age, and an advocate of the Republic.

Art. 78. The faculty of judging and executing judgments belongs exclusively to the tribunals of justice. Neither the President of the Republic nor Congress is able, in any case, to exercise judicial functions, or to advocate pending causes. No public power can revive processes which have been terminated.

Art. 79. The judges of the Supreme Court shall hold their office for four years, continuing by right until the nomination of their successors.

Art. 80. The law regulates the organization and powers of the courts.

Art. 81. The administration of justice in the Republic shall be gratuitous.

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Article 82. Communities which have not less than five hundred inhabitants may be incorporated as municipalities.

Art. 83. The municipality is autonomous, and shall be represented by officers elected directly by the people. The number, conditions, and powers of the municipal officers shall be determined by a special law.

Art. 84. The powers of the municipal officers are limited to local government within their administrative boundaries.

Temporary Arrangement.

Article 85. Until the establishment of the penitentiary system is effected the punishment of death may be imposed in cases designated by law.

Final Article.—This Constitution shall commence to be in force on the 1st of December of the current year.

Given in the city of Tegucigalpa, on the 1st of November, in the year 1880, the sixtieth of the independence of Central America.

Government House, Tegucigalpa, 1st of November, 1880.

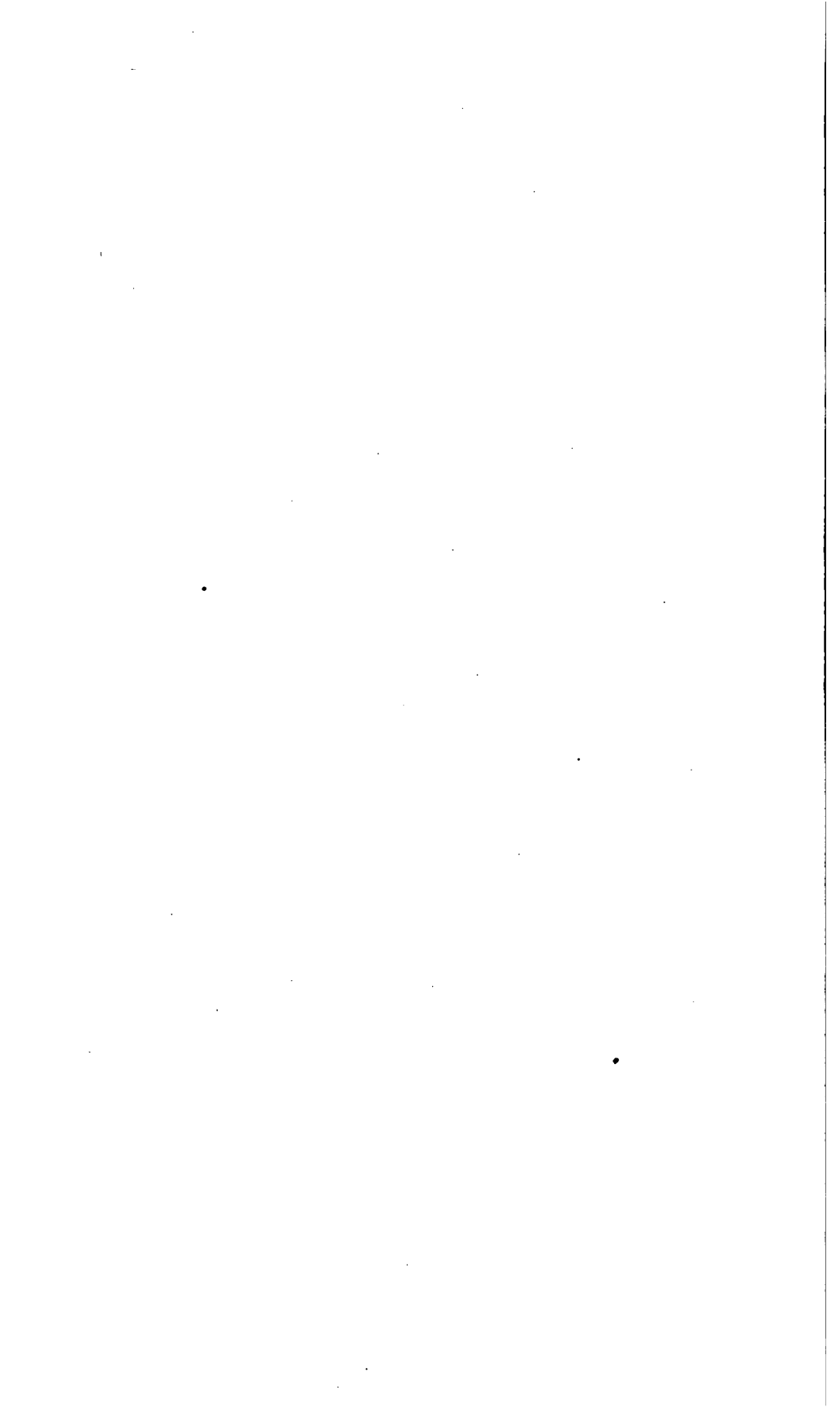
Let it be published.

MARCO AURELIO SOTO.

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CONSTITUTION  
OF THE  
EMPIRE OF JAPAN.

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# CONSTITUTION OF THE EMPIRE OF JAPAN.

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27. The right of property inviolable.
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29. They shall enjoy liberty of speech, writing, public meeting and association.
30. They may petition.
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35. The House of Representatives.—How composed.

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40. Representations made by either House to the Government, if rejected, cannot be made a second time during the same session.
41. The Imperial Diet shall be convoked every year.
42. The session shall last three months.
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PREAMBLE.

Having, by virtue of the glories of our ancestors, ascended the throne of a lineal succession unbroken for ages eternal, desiring to promote the welfare of, and to give development to, the moral and intellectual faculties of our beloved subjects, the very same that have been favored with the benevolent care and affectionate vigilance of our ancestors, and hoping to maintain the prosperity of the State, in concert with our people and with their support, we hereby promulgate, in pursuance of our imperial rescript of the 12th day of 10th month of the 14th year of Meiji, a fundamental law of State, to exhibit the principles by which we are to be guided in our conduct, and to point out to what our descendants and our subjects and their descendants are forever to confirm.

The right of sovereignty of the State we have inherited from our ancestors, and we shall bequeath them to our descendants. Neither we nor they shall in future fail to wield them, in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution, and of the law.

The Imperial Diet shall first be convoked for the 23d year of Meiji, and the time of its opening shall be the date when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, we or our successor shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it according to the conditions imposed by the present Constitution, and in no otherwise shall our descendants or our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on our behalf, shall be held responsible for the carrying out of the present Constitution, and our present

and future subjects shall forever assume the duty of allegiance to the present Constitution.

## CHAPTER I.

### *The Emperor.*

Article 1. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

Art. 2. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House law.

Art. 3. The Emperor is sacred and inviolable.

Art. 4. The Emperor is the head of the Empire, combining in himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

Art. 5. The Emperor exercises the legislative power with the consent of the Imperial Diet.

Art. 6. The Emperor gives sanction to laws, and orders them to be promulgated and executed.

Art. 7. The Emperor convokes the Imperial Diet, opens, closes and prorogues it, and dissolves the House of Representatives.

Art. 8. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial ordinances, in the place of law. Such Imperial ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said ordinances, the Government shall declare them to be invalid for the future.

Art. 9. The Emperor issues, or causes to be issued, the ordinances necessary for carrying out the laws, or for maintenance of the public peace, and order, and for the promotion of the welfare of the subjects. But no ordinance shall in any way alter any of the existing laws.

Art. 10. The Emperor determines the organization of the different branches of the administration, and the salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon).

Art. 11. The Emperor has the supreme command of the army and navy.

Art. 12. The Emperor determines the organization and peace standing of the army and navy.

Art. 13. The Emperor declares war, makes peace and conducts treaties.

Art. 14. The Emperor proclaims the law of siege. The conditions and effects of the law of siege shall be determined by law.

Art. 15. The Emperor confers titles of military, rank, orders and other marks of honor.

Art. 16. The Emperor orders amnesty, pardon, commutation of punishment, and rehabilitation.

Art. 17. A Regency shall be instituted in conformity with the provisions of Imperial House law. The Regent shall exercise the powers appertaining to the Emperor in his name.

## CHAPTER II.

### *Japanese Subjects, their Rights and Duties.*

Article 18. The conditions of Japanese subjects are determined according to the provisions of law.

Art. 19. Japanese subjects may, according to qualifications, determined in laws or ordinances, be appointed to civil or military offices equally, and may fill any other public offices.

Art. 20. Japanese subjects are amenable to service in army or navy, according to provisions of law.

Art. 21. Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

Art. 22. Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

Art. 23. No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

Art. 24. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

Art. 25. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

Art. 26. Except in the cases mentioned in the law, the secrecy of letters of every Japanese subject shall remain inviolate.

Art. 27. The right of property of every Japanese subject shall remain inviolate. Measures necessary to be taken for the public benefit shall be provided for by law.

Art. 28. Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

Art. 29. Japanese subjects shall, within the limits of the law, enjoy the liberty of speech, writing, publication, public meeting and associations.

Art. 30. Japanese subjects may present petitions by observing the proper forms of respect, and by complying with the rules specially provided for the same.

Art. 31. The provisions contained in the present chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of a national emergency.

Art. 32. Each and every one of the provisions contained in the preceding articles of the present chapter, that are not in conflict with the laws or rules and discipline of the army and navy, shall apply to the officers and men of the army and navy.

### CHAPTER III.

#### *The Imperial Diet.*

Article 33. The Imperial Diet shall consist of two houses, a House of Peers and a House of Representatives.

Art. 34. The House of Peers shall, in accordance with the ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those persons who have been nominated thereto by the Emperor.

Art. 35. The House of Representatives shall be composed of members elected by the people, according to the provisions of the law of election.

Art. 36. No one can at one and the same time be a member of both houses.

Art. 37. Every law requires the consent of the Imperial Diet.

Art. 38. Both houses shall vote upon projects of law submitted to it by the government, and may respectively initiate projects of law.

Art. 39. A bill which has been rejected by either the one or the other of the two houses, shall not be again brought up during the same session.

Art. 40. Both houses can make representations to the government as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

Art. 41. The Imperial Diet shall be convoked every year.

Art. 42. The session of the Imperial Diet shall last during three months. In case of necessity, the duration of a session may be prolonged by Imperial order.

Art. 43. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one. The duration of an extraordinary session shall be determined by Imperial order.

Art. 44. The opening, closing, prolongation of session and prorogation of Imperial Diet, shall be effected simultaneously for both houses.

Art. 44. In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

Art. 45. When the House of Representatives has been ordered to dissolve, the members shall be caused by Imperial order, to be newly elected, and the new house shall be convoked within five months from the day of dissolution.

Art. 46. No debate can be opened and no vote can be taken in either house of the Imperial Diet, unless not less than one-third of the whole number of members thereof is present.

Art. 47. Votes shall be taken in both houses by absolute majority. In case of a tie vote, the President shall have the casting vote.

Art. 48. The deliberation of both houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the house, be held in secret sitting.

Art. 49. Both houses of the Imperial Diet may respectively present addresses to the Emperor.

Art. 50. Both houses may receive petitions presented by subjects.

Art. 51. Both houses may enact, besides what is provided for in the present Constitution and in the law of the houses, rules necessary for the management of their internal affairs.

Art. 52. No member of either house shall be held responsible outside their respective houses, for any opinion uttered as for any vote given in the house. When, however, a member himself has given publicity to his opinions by public speech, by documents in print or in writing or by any other similar means, he shall, in the matter, be amenable to general law.

Art. 53. The members of both houses shall, during the session, be free from arrest, unless with the consent of the house, except in cases of flagrant delicto, or of offenses connected with a State of internal commotion or with a foreign trouble.

Art. 54. The Ministers of State and the Delegates of the government may, at any time, take seats and speak in either house.

#### CHAPTER IV.

##### *The Ministers of State and the Privy Council.*

Article 55. The respective Ministers of State shall give their advice to the Emperor and be responsible for it. All laws, Imperial ordinances and Imperial receipts of whatever kind, that relate to the affairs of the State, require the counter signature of a Minister of State.

Art. 56. The Privy Council shall, in ordinance with the provisions for the organization of the Privy Council, deliberate upon important matters of State, when they have been consulted by the Emperor.

#### CHAPTER V.

##### *The Judicature.*

Article 57. The Judicature shall be exercised by the Courts of law according to law, in the name of the Emperor. The organization of the Courts of Law shall be determined by law.

Art. 58. The judges shall be appointed from among those who possess proper qualifications according to law. No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment. Rules for disciplinary punishment shall be determined by law.

Art. 59. Trials and judgments of a court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the Court of Law.

Art. 60. All matters that fall within the competency of a special court, shall be specially provided for by law.

Art. 61. No suit at law, which relates to the rights alleged to have been infringed by the legal measures of the executive authorities, and which shall come within the competency of the Court of Administrative Litigation, specially established by law, shall be taken cognizance of by a Court of Law.

## CHAPTER VI.

*Finance.*

Article 62. The imposition of a new tax or the modification of the votes (of an existing one) shall be determined by law. However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the budget, shall require the consent of the Imperial Diet.

Art. 63. The taxes levied at present shall, in so far as they are not remodeled by a new law, be collected according to the old system.

Art. 64. The expenditure and revenue of the State require the consent of the Imperial Diet, by means of an annual budget. Any and all expenditures over passing the appropriations set forth in the titles and paragraphs of the budget, or that are not provided for in the budget, shall subsequently be under the approbation of the Imperial Diet.

Art. 65. The budget shall be first laid before the House of Representatives.

Art. 66. The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

Art. 67. Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of a law, or that appertain to the legal obligations of the government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the government.

Art. 68. In order to meet special requirements, the government may ask the consent of the Imperial Diet to a certain amount as a continuing expenditure fund, for a previously fixed number of years.

Art. 69. In order to supply deficiencies, which are unavoidable, in the budget, and to meet requirements unprovided for in the same, a reserve fund shall be provided in the budget.

Art. 70. When the Imperial Diet cannot be convoked, owing to the external or internal conditions of the country, in case of urgent need for the maintenance of public safety, the government may take all necessary financial measures by means of an Imperial ordinance.

Art. 71. When the Imperial Diet has not voted on the budget, or when the budget has not been brought into actual existence, the government shall carry out the budget of the preceding year.

Art. 72. The final amount of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the government to the Imperial Diet, together with the report of verification of the said board. The organization and competency of the Board of Audit shall be determined by the law separately.

## CHAPTER VII.

### *Supplementary Provisions.*

Article 73. When it has become necessary in the future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet, by Imperial order. In the above case, neither house can open the debate, unless not less than two-thirds of the whole number are present, and no amendment can be passed, unless a majority of not less than two-thirds of the members present is obtained.

Art. 74. No modification of the Imperial House law shall be required to be submitted to the deliberation of the Imperial Diet. No provisions of the present Constitution can be modified by the Imperial House law.

Art. 75. No modification can be introduced into the Constitution, or into the Imperial House law during the time of a Regency.

Art. 76. Existing legal enactments, such as laws, regulations, ordinances, or by whatever names they may be called, shall so far as they do not conflict with the present Constitution, continue in force. All existing contracts or orders, that entail obligations upon the government, and that are connected with expenditures, shall come within the scope of article 67.

CONSTITUTION  
OF THE  
UNITED STATES OF MEXICO.

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By BERNARD MOSES,  
PROFESSOR OF HISTORY, UNIVERSITY OF CALIFORNIA.

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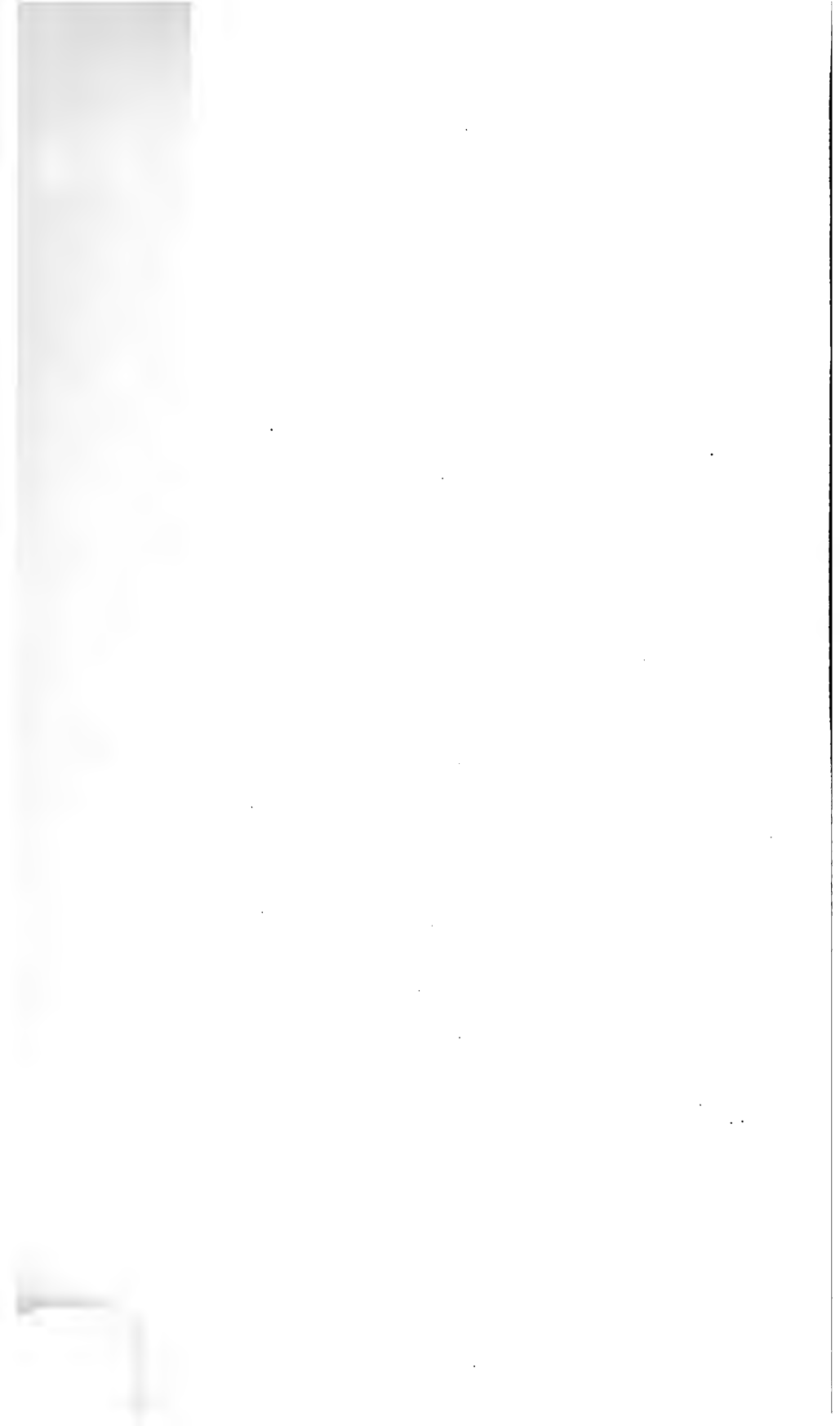
A Paper Submitted to the American Academy of Political and Social Science.

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AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

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# INTRODUCTION

TO THE

## CONSTITUTION OF UNITED STATES OF MEXICO.

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In seeking the independence the Spanish colonies in America were moved by the democratic doctrines of France and by the example of the United States. Their long submission to Spanish rule had, however, given rise to traditions which tended to keep them loyal to monarchy. attachment to Spain was weakened, and signs of revolt appeared. The But when Ferdinand VII fell into the hands of Napoleon, the bond of open struggle for independence, which began in 1810 and lasted with occasional interruptions till 1824, stands in marked contrast with the efforts of the English colonies. It had many of the characteristics of a civil war, on account of the large number of those who advocated continued dependence on Spain, while the more complete unity of purpose in the English colonies gave their war for independence the character of a struggle against a foreign enemy.

An early suggestion of a National Representative Government for Mexico appeared in the proposition made by the ayuntamiento of the City of Mexico to the Viceroy that he should call a National Assembly composed of Representatives of the Provinces. This proposition was favored by the Viceroy, but was opposed by the Audiencia, who represented the spirit of Spanish possession and dominion. The higher clergy, moreover, as holders of great power, opposed all attempts at independence; while the lower clergy, to which Miguel Hidalgo y Costilla belonged became the earliest champions of the movement

After the overthrow of Hidalgo's forces and the capture of the leader it became evident to the patriots that they ought to be represented by some formally constituted government. An assembly composed principally of officers of the army was, therefor, convened. In accordance with its decree a governmental council was established, consisting at first of three members and later of five, whose collective title was the "Supreme Governmental Council of America." In the exercise of their new authority they cited the military officers, the governors, and alcaldes of the Indian pueblos of the vicinity to take the oath of obedience and fidelity to the council, which governed in the name of King Ferdinand VII. The use of the King's name was clearly an act of policy, through which the Council hoped to gain forces at the expense of the enemy, and to turn to the cause of freedom those who desired independence but who halted at the idea of fighting against the King. The attempt on the part of the council to make an agreement with the Viceroy only led him to reject with indignation the project of an independent power in Mexico. Strictly

speaking, the Council was an illegal body, deriving authority neither from a popular election nor from any existing legitimate source. It was feared, however, by the Spanish party that it might gain recognition and exercise the functions of a legitimate government. A price was, therefore, set on the head of each member, but its subsequent dissolution was due rather to internal dissention than to external attack.

On the 1st of September, 1813, a Congress constituted by popular election was assembled in Chilpancingo. This body proclaimed anew the independence of Mexico, and agreed upon a republican constitution, which was published in Apanzingan in October, 1814. This Constitution was also short-lived, being set aside by the adoption of the Spanish Constitution of 1812, in so far as it was applicable to Mexico.

Between 1815 and 1820 Mexico was little disturbed by military operations, but finally the cause of independence was revived, and on the 24th of February, 1820, was published the Plan of Iguala. By this instrument an independent limited monarchy was erected in Mexico, and the throne was to be offered to Ferdinand VII, and in case of his refusal to other princes designated. The Roman Catholic faith was declared to be the sole religion of the State, and the equality of all social classes was proclaimed. The Plan of Iguala, a compromise between political independence and religious intolerance, found very general favor; even the new Viceroy, O'Donoju, accepted it with only slight modifications, and recognized the new Imperio Mejicano. A provisional Governmental Council was then formed, which was charged with the legislative authority until the Cortes should be installed. The executive power was temporarily intrusted to a regency of three persons, who should exercise it until the accession of the prince. In carrying out the provisions of the Plan of Iguala, as modified by the agreement at Cordova between O'Donoju and Iturbide, it was discovered that the scheme was not approved by either the King or the Cortes of Spain, and that in Mexico itself there were many republicans dissatisfied with it. In this condition of affairs, Iturbide, supported by a portion of the army was proclaimed Emperor. But his conduct in his temporary use of power only increased the opposition which he had encountered in the beginning; and, finding it impossible to maintain an independent imperial government in Mexico, he abdicated and went into exile. The Congress, taking advantage of the departure of Iturbide, declared that his administration had been a rule of force and not of right, and that all of his acts were illegal and subject to revision. It then placed the executive power in the hands of a triumvirate composed of Negrete, Bravo, and Victoria, representing the Spanish, the monarchical, and the republican parties.

A new Congress was installed on the 7th of November, 1823, and on the third of December it began the discussion of a project for a fundamental law, which was approved January 31, 1824, and "in thirty-six articles contained the basis of the future political Constitution." Through the adoption of this Constitution the nation acquired a popular representative, federal, republican government. But this was only a provisional government, and was set aside on the adoption of the definitive Constitution of 1824, which in many particulars was a copy of the Constitution of the United States.

The Constitution of 1824 remained in force eleven years, but during these years Mexico was not without its internal disturbances; and in 1833, by a revolution, General Antonio Lopez de Santana was made president. After a temporary retirement, a reactionary movement restored him to power in 1834. Having allied himself with the clericals and centralists, he dissolved the Congress on the thirty-first of May, set aside the liberal decrees which that body had passed, made the Vice-President, Gomez Farias, resign, and broke openly with the federalists. The new Congress which was installed in January, 1835, undertook to reform the Constitution of 1824, and in 1836 a new fundamental law was issued, which rejected the federal principle and established a centralized government, the whole territory of the Republic being divided into departments instead of the pre-existing States, the departments into districts, and these again into partidos. By thus enlarging the functions of the central Government the grounds of party separation were made more conspicuous. Every adherent of federalism became an opponent of the new order of things, and in the next decade Mexico was without an effective Constitution. Power rested with the most successful military leader. In 1847, however, the Congress passed an act which brought into force again the Constitution of 1824, with certain amendments.

Without attempting to note the numerous "pronunciamientos" made and the "bases" promulgated, attention may be called to the "Plan" promulgated by the garrison of Ayutla. According to this plan Santana was to be deprived of the power which he exercised arbitrarily, an ad interim President was to be appointed, and a Constitutional Convention convened. The garrison of Acapulco seconded this plan with slight modifications, and Ignacio Comonfort became the leader of the new revolution. On the 8th of August, 1855, Santana left the Presidency, and a few days later went into exile. On the thirteenth of the same month the garrison of the capital also adopted the Plan of Ayutla. The fourth of October General Alvarez was elected ad interim President, and in February, 1856, the Constituent Congress, or Constitutional Convention, was assembled. Comonfort, who had become President on the resignation of Alvarez, now issued, in accordance with authority conferred upon him by the Plan of Ayutla and Acapulco, an "Estatuto organico provisional de la Republica Mexicana." The estatuto was a quasi-Constitution, in 125 articles, which organized completely the executive and judicial powers in accordance with the principles of centralism, and which detailed with much method and in a liberal sense the civil and political rights of the Mexicans; but which obliterated all this, as with one dash of the pen, by Article 82, conceived as follows: "The president of the Republic shall be able to act discretionally, when, in the judgement of the Council of Ministers, this shall be necessary in order to defend the independence or the integrity of the territory, or to maintain the established order, or to preserve the public tranquillity; but in no case shall he be able to impose the penalty of death, nor those penalties prohibited by Article 55."

The new Constitution which was formulated in the meantime by the Constituent Congress, was finally adopted on the 5th of February, 1857. But this Constitution by abolishing the ecclesiastical and military privileges, excited vigorous opposition. As a result of this opposition the

nation found itself, in 1858, in civil war, with Benito Juarez as leader of the Constitutional party, while General Zuloaga, and later General Miramon, led the Revolutionary party. Having, in 1861, overcome the Revolutionary forces and taken possession of the capital, Juarez, in accordance with article 29 of the Constitution, received extraordinary powers to suspend the individual guarantees recognized by this law. During the same year, 1861, the Revolutionary party entered into certain foreign alliances against the Constitutional party, led by Juarez, and from these alliances proceeded the series of events which constitute the Imperial episode of Maximilian's reign. While Maximilian, backed by the power of France, was attempting to establish an Imperial government in Mexico, the forces of the Constitutionallists were scattered on the frontiers. Three months after the withdrawal of the French troops, in obedience to the demands of the United States, the Imperialists were undone, Maximilian, Miramon, and Mejia had been shot, and the way was once more open to the Constitutionallists. The Constitution of 1857 became again the effective fundamental law of the land, and, with a number of subsequent amendments, has continued in force to the present time.

# CONSTITUTION OF UNITED STATES OF MEXICO.

## PREAMBLE.

### TITLE I.

#### Of the Rights of Individuals.

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###### Article.

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3. Free instruction.
4. Freedom in exercise of profession or occupation.
5. Personal liberty.—Prohibition of monastic orders.
6. Freedom of speech.
7. Freedom of the press.
8. Right of petition.
9. Right of assembly.
10. Right of bearing arms.
11. Right of travel and of changing residence.
12. Titles of nobility.
13. Special laws and tribunals.—Martial law.
14. Retroactive laws.
15. Extradition of political offenders.
16. Freedom from search.
17. Arrest for debt.—Prompt and gratuitous administration of justice.
18. Imprisonment.
19. Temporary detention.
20. I-V. Guarantees to accused in criminal trials.
21. Judicial penalties.—Powers of political authorities.
22. Unusual punishments.
23. Death penalty.—Penitentiaries.
24. Criminal proceedings.
25. Freedom of the mails.
26. Quartering of soldiers.
27. Private property protected.
28. Monopolies prohibited.—Specified exceptions.

###### Article.

29. Suspension of guarantees in case of invasion or public danger.

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30. I-III. Who are Mexicans.
31. I-II. Obligations of Mexicans.
32. General provisions favoring Mexicans.

##### Section III.—Of Foreigners.

33. Rights and obligations of foreigners.

##### Section IV.—Of Mexican Citizens.

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35. I-V. Prerogatives of the citizen.
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37. I-II. Loss of citizenship.
38. Forms in which rights of citizenship may be lost, suspended and regained.

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#### Of the Nation and Its Integral Parts.

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52. Constitution of House of Deputies.

53. Apportionment of Deputies.

54. Alternate to Deputy.

55. Election by indirect and secret ballot.

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58. Deputies and Senators ineligible to Federal appointment.  
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60. Each house judge of the election of its own members.

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63. Annual address of President.

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70. Origin of laws and decrees in Congress.

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80. Commencement of term for newly-elected President.

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83. Oath of office.

84. Residence of President.

85. I-XVI. Powers and obligations of President.

86. Cabinet.

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88. Regulations, decrees and orders to be signed by a cabinet secretary.

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96. Circuit and district courts.

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### Of the Inviolability of the Constitution.

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## PREAMBLE.

In the name of God and with the authority of the Mexican people. ✓

The representatives of the different States, of the District and Territories which compose the Republic of Mexico, called by the Plan proclaimed in Ayutla the 1st of March, 1854, amended in Acapulco the 11th day of the same month and year, and by the summons issued the 17th of October, 1855, to constitute the nation under the form of a popular, representative, democratic republic, exercising the powers with which they are invested, comply with

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the requirements of their high office, decreeing the following political Constitution of the Mexican Republic, on the indestructible basis of its legitimate independence, proclaimed the 16th of September, 1810, and completed the 27th of September, 1821.

### TITLE I.

#### SECTION I.—OF THE RIGHTS OF MAN.

Article 1. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently, they declare that all the laws and all the authorities of the country must respect and maintain the guarantees which the present Constitution establishes.

Art. 2. In the Republic all are born free. Slaves who set foot upon the national territory recover, by that act alone, their liberty, and have a right to the protection of the laws.

Art. 3. Instruction is free. The law shall determine what professions require a diploma for their exercise, and with what requisites they must be issued.

Art. 4. Every man is free to adopt the profession, industrial pursuit, or occupation which suits him, the same being useful and honorable, and to avail himself of its products. Nor shall anyone be hindered in the exercise of such profession, industrial pursuit, or occupation, unless by judicial sentence when such exercise attacks the rights of a third party, or by governmental resolution, dictated in terms which the law marks out, when it offends the rights of society.

Art. 5. No one shall be obliged to give personal services without just compensation, and without his full consent. The State shall not permit any contract, pact or agreement to be carried into effect which has for its object the diminution, loss, or irrevocable sacrifice of the liberty of man, whether it be for the sake of labor, education, or a religious vow. The law, consequently, may not recognize monastic orders, nor may it permit their establishment, whatever may be the denomination or object with which they claim to be formed. Neither may an agreement be permitted in which anyone stipulates for his proscription or banishment.

Art. 6. The expression of ideas shall not be the object of any judicial or administrative inquisition, except in case it attacks morality, the rights of a third party, provokes some crime or misdemeanor, or disturbs public order.

Art. 7. The liberty to write and to publish writings on any

subject whatsoever is inviolable. No law or authority shall establish previous censure, nor require security from authors or printers, nor restrict the liberty of the press, which has no other limits than respect of private life, morality, and the public peace. The crimes which are committed by means of the press shall be judged by the competent tribunals of the Federation, or by those of the States, those of the Federal District and the Territory of Lower California, in accordance with their penal laws.

Art. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable; but in political matters only citizens of the Republic may exercise it. To every petition must be returned a written opinion by the authority to whom it may have been addressed, and the latter is obliged to make the result known to the petitioner.

Art. 9. No one may be deprived of the right peacefully to assemble or unite with others for any lawful object whatsoever, but only citizens of the Republic may do this in order to take part in the political affairs of the country. No armed assembly has a right to deliberate.

Art. 10. Every man has a right to possess and carry arms for his security and legitimate defense. The law shall designate what arms are prohibited and the punishment which those shall incur who carry them.

Art. 11. Every man has a right to enter and to go out of the Republic, to travel through its territory and change his residence, without the necessity of a letter of security, passport, safe-conduct, or other similar requisite. The exercise of this right shall not prejudice the legitimate faculties of the judicial or administrative authority in cases of criminal or civil responsibility.

Art. 12. There are not, nor shall there be recognized in the Republic, titles of nobility, or prerogatives, or hereditary honors. Only the people, legitimately represented, may decree recompenses in honor of those who may have rendered or may render eminent services to the country or to humanity.

Art. 13. In the Mexican Republic no one may be judged by special law nor by special tribunals. No person or corporation may have privileges, or enjoy emoluments, which are not compensation for a public service and are established by law. Martial law may exist only for crimes and offenses which have a definite connection with military discipline. The law shall determine, with all clearness, the cases included in this exception.

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Art. 14. No retroactive law shall be enacted. No one may be judged or sentenced except by laws made prior to the act, and exactly applicable to it, and by a tribunal which shall have been previously established by law.

Art. 15. Treaties shall never be made for the extradition of political offenders, nor for the extradition of those violators of the public order who may have held in the country where they committed the offense the position of slaves; nor agreements or treaties in virtue of which may be altered the guarantees and rights which this Constitution grants to the man and to the citizen.

Art. 16. No one may be molested in his person, family, domicile, papers and possessions, except in virtue of an order written by the competent authority, which shall establish and assign the legal cause for the proceeding. In case of in flagrante delicto any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

Art. 17. No one may be arrested for debts of a purely civil character. No one may exercise violence in order to reclaim his rights. The tribunals shall always be prompt to administer justice. This shall be gratuitous, judicial costs being consequently abolished.

Art. 18. Imprisonment shall take place only for crimes which deserve corporal punishment. In any state of the process in which it shall appear that such a punishment might not be imposed upon the accused, he shall be set at liberty under bail. In no case shall the imprisonment or detention be prolonged for default of payment of fees, or of any furnishing of money whatever.

Art. 19. No detention shall exceed the term of three days, unless justified by a writ showing cause of imprisonment and other requisites which the law establishes. The mere lapse of this term shall render responsible the authority that orders or consents to it, and the agents, ministers, wardens, or jailors who execute it. Any maltreatment in the apprehension or in the confinement of the prisoners, any injury which may be inflicted without legal ground, any tax or contribution in the prisons, is an abuse which the laws must correct and the authorities severely punish.

Art. 20. In every criminal trial the accused shall have the following guarantees:

First—That the grounds of the proceedings and the name of the accuser, if there shall be one, shall be made known to him.

Second—That his preparatory declaration shall be taken within forty-eight hours, counting from the time he may be placed at the disposal of the judge.

Third—That he shall be confronted with the witnesses who testify against him.

Fourth—That he shall be furnished with the data which he requires and which appear in the process, in order to prepare for his defense.

Fifth—That he shall be heard in defense by himself or by counsel, or by both, as he may desire. In case he should have no one to defend him, a list of official defenders shall be presented to him, in order that he may choose one or more who may suit him.

Art. 21. The application of penalties properly so called belongs exclusively to the judicial authority. The political or administrative authorities may only impose fines, as correction, to the extent of five hundred dollars, or imprisonment to the extent of one month, in the cases and manner which the law shall expressly determine.

Art. 22. Punishments by mutilation and infamy, by branding, flogging, the bastinado, torture of whatever kind, excessive fines, confiscation of property, or any other unusual or extraordinary penalties, shall be forever prohibited.

Art. 23. In order to abolish the penalty of death, the administrative power is charged to establish, as soon as possible, a penitentiary system. In the meantime the penalty of death shall be abolished for political offenses, and shall not be extended to other cases than treason during foreign war, highway robbery, arson, parricide, homicide with treachery, premeditation or advantage, to grave offenses of the military order, and piracy, which the law shall define.

Art. 24. No criminal proceeding may have more than three instances. No one shall be tried twice for the same offense, whether by the judgment he be absolved or condemned. The practice of absolving from the instance is abolished.

Art. 25. Sealed correspondence which circulates by the mails is free from all registry. The violation of this guarantee is an offense which the law shall punish severely.

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Art. 26. In time of peace no soldier may demand quarters, supplies, or other real or personal service without the consent of the proprietor. In time of war he shall do this only in the manner prescribed by the law.

Art. 27. Private property shall not be appropriated without the consent of the owner, except for the sake of public use, and with previous indemnification. The law shall determine the authority which may make the appropriation and the conditions under which it may be carried out.

No corporation, civil or ecclesiastical, whatever may be its character, denomination, or object, shall have legal capacity to acquire in proprietorship or administer for itself real estate, with the single exception of edifices destined immediately and directly to the service and object of the institution.

Art. 28. There shall be no monopolies, nor places of any kind for the sale of privileged goods, nor prohibitions under titles of protection to industry. There shall be excepted only those relative to the coining of money, to the mails, and to the privileges which, for a limited time, the law may concede to inventors or perfectors of some improvement.

Art. 29. In cases of invasion, grave disturbance of the public peace, or any other cases whatsoever, which may place society in great danger of conflict, only the President of the Republic, in concurrence with the Council of Ministers and with the approbation of the Congress of the Union, and, in the recess thereof, of the permanent deputation, may suspend the guarantees established by this Constitution, with the exception of those which assure the life of man; but such suspension shall be made only for a limited time, by means of general provisions, and without being limited to a determined person. If the suspension should take place during the session of Congress, this body shall concede the authorizations which it may esteem necessary in order that the Executive may meet properly the situation. If the suspension should take place during the recess, the permanent deputation shall convoke the Congress without delay in order that it may make the authorizations.

### SECTION II. — OF MEXICANS.

Art. 30. Mexicans are:

First—All those born, within or without the Republic, of Mexican parents.

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Second — Foreigners who are naturalized in conformity with the laws of the Federation.

Third — Foreigners who acquire real estate in the Republic or have Mexican children; provided they do not manifest their resolution to preserve their nationality.

Art. 31. It is an obligation of every Mexican:

First — To defend the independence, the territory, the honor, the rights and interests of his country.

Second — To contribute for the public expenses, as well of the Federation as of the State and municipality in which he resides, in the proportional and equitable manner which the laws may provide.

Art. 32. Mexicans shall be preferred to foreigners in equal circumstances, for all employments, charges, or commissions of appointment by the authorities, in which the condition of citizenship may not be indispensable. Laws shall be issued to improve the condition of Mexican laborers, rewarding those who distinguish themselves in any science or art, stimulating labor, and founding practical colleges and schools of arts and trades.

### SECTION III.—OF FOREIGNERS.

Art. 33. Foreigners are those who do not possess the qualifications determined in Article 30. They have a right to the guarantees established by Section I, Title I, of the present Constitution, except that in all cases the Government has the right to expel pernicious foreigners. They are under obligation to contribute to the public expenses in the manner which the laws may provide, and to obey and respect the institutions, laws, and authorities of the country, subjecting themselves to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens.

### SECTION IV.—OF MEXICAN CITIZENS.

Art. 34. Citizens of the Republic are all those who, having the quality of Mexicans, have also the following qualifications:

First — Eighteen years of age if married, or twenty-one if not married.

Second — An honest means of livelihood.

Art. 35. The prerogatives of the citizen are:

First — To vote at popular elections.

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Second — The privilege of being voted for for any office subject to popular election, and of being selected for any other employment or commission, having the qualifications established by law.

Third — To associate to discuss the political affairs of the country.

Fourth — To take up arms in the army or in the national guard for the defense of the Republic and its institutions.

Fifth — To exercise in all cases the right of petition.

Art. 36. Every citizen of the Republic is under the following obligations:

First — To be inscribed on the municipal roll, stating the property which he has, or the industry, profession, or labor by which he subsists.

Second — To enlist in the national guard.

Third — To vote at popular elections in the district to which he belongs.

Fourth — To discharge the duties of the offices of popular election of the Federation, which in no case shall be gratuitous.

Art. 37. The character of citizen is lost:

First — By naturalization in a foreign country.

Second — By serving officially the government of another country or accepting its decorations, titles, or employments without previous permission from the Federal Congress; excepting literary, scientific, and humanitarian titles, which may be accepted freely.

Art. 38. The law shall prescribe the cases and the form in which may be lost or suspended the rights of citizenship and the manner in which they may be regained.

## TITLE II.

### SECTION I.—OF THE NATIONAL SOVEREIGNTY AND OF THE FORM OF GOVERNMENT.

Art. 39. The national sovereignty resides essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The people have at all times the inalienable right to alter or modify the form of their government.

Art. 40. The Mexican people voluntarily constitute themselves a democratic, federal, representative republic, composed of States free and sovereign in all that concerns their internal government,

but united in a federation established according to the principles of this fundamental law.

Art. 41. The people exercise their sovereignty by means of Federal officers in cases belonging to the Federation, and through those of the States in all that relates to the internal affairs of the States within the limits respectively established by this Federal Constitution, and by the special Constitutions of the States, which latter shall in no case contravene the stipulations of the Federal Compact.

SECTION II.—OF THE INTEGRAL PARTS OF THE FEDERATION AND OF THE NATIONAL TERRITORY.

Art. 42. The National Territory comprises that of the integral parts of the Federation and that of the adjacent islands in both oceans.

Art. 43. The integral parts of the Federation are: The States of Aguascalientes, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Nuevo Leon and Coahuila, Oajaca, Puebla, Queretaro, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlascala, Valle de Mexico, Vera Cruz, Yucatan, Zacatecas, and the Territory of Lower California.

Art. 44. The States of Aguascalientes, Chiapas, Chihuahua, Durango, Guerrero, Mexico, Puebla, Queretaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California shall preserve the limits which they now have.

Art. 45. The States of Colima and Tlascala shall preserve in their new character of States the limits which they have had as Territories of the Federation.

Art. 46. The State of the Valley of Mexico shall be formed of the territory actually composing the Federal District, but the erection into a State shall only have effect when the supreme Federal authorities are removed to another place.

Art. 47. The State of Nuevo Leon and Coahuila shall comprise the territory which has belonged to the two distinct States of which it is now formed, except the part of the hacienda of Bonanza, which shall be reincorporated in Zacatecas, on the same terms in which it was before its incorporation in Coahuila.

Art. 48. The States of Guanajuato, Jalisco, Michoacan, Oajaca, San Luis Potosi, Tabasco, Vera Cruz, Yucatan, and Zacatecas shall recover the extension and limits which they had on the 31st

of December, 1852, with the alterations the following Article establishes.

Art. 49. The town of Contepec, which has belonged to Guanajuato, shall be incorporated in Michoacan. The municipality of Ahualulco, which has belonged to Zacatecas, shall be incorporated in San Luis Potosi. The municipalities of Ojo-Caliente and San Francisco de los Adames, which have belonged to San Luis, as well as the towns of Nueva Tlascala and San Andres del Teul, which have belonged to Jalisco, shall be incorporated in Zacatecas. The department of Tuxpan shall continue to form a part of Vera Cruz. The canton of Huimanguillo, which has belonged to Vera Cruz, shall be incorporated in Tabasco.

### TITLE III.

#### OF THE DIVISION OF POWERS.

Art. 50. The supreme power of the Federation is divided for its exercise into legislative, executive, and judicial. Two or more of these powers shall never be united in one person or corporation, nor the legislative power be deposited in one individual.

#### SECTION I.—OF THE LEGISLATIVE POWER.

Art. 51. The legislative power of the nation is deposited in a general Congress, which shall be divided into two houses, one of Deputies and the other of Senators.

##### *Paragraph 1. Of the Election and Installation of Congress.*

Art. 52. The House of Deputies shall be composed of representatives of the nation, elected in their entire number every two years by Mexican citizens.

Art. 53. One Deputy shall be elected for each forty thousand inhabitants, or for a fraction which exceeds twenty thousand. The territory in which the population is less than that determined in this article shall, nevertheless, elect one Deputy.

Art. 54. For each Deputy there shall be elected one alternate.

Art. 55. The election for Deputies shall be indirect in the first degree, and by secret ballot, in the manner which the law shall prescribe.

Art. 56. In order to be eligible to the position of a Deputy it is required that the candidate be a Mexican citizen in the enjoyment of his rights; that he be fully twenty-five years of age on the day of the opening of the session; that he be a resident of the State or Territory which makes the election, and

that he be not an ecclesiastic. Residence is not lost by absence in the discharge of any public trust bestowed by popular election.

Art. 57. The positions of Deputy and of Senator are incompatible with any Federal commission or office whatsoever for which a salary is received.

Art. 58. The Deputies and the Senators, from the day of their election to the day on which their trust is concluded, may not accept any commission or office offered by the Federal Executive, for which a salary is received, except with the previous license of the respective house. The same requisites are necessary for the alternates of Deputies and Senators when in the exercise of their functions.

A. The Senate is composed of two Senators for each State and two for the Federal District. The election of Senators shall be indirect in the first degree. The Legislature of each State shall declare elected the person who shall have obtained the absolute majority of the votes cast, or shall elect from among those who shall have obtained the relative majority in the manner which the electoral law shall prescribe. For each Senator there shall be elected an alternate.

B. The Senate shall be renewed one-half every two years. The Senators named in the second place shall go out at the end of the first two years, and thereafter the half who have held longer.

C. The same qualifications are required for a Senator as for a Deputy, except that of age, which must be at least thirty years on the day of the opening of the session.

Art. 59. The Deputies and Senators are privileged from arrest for their opinions manifested in the performance of their duties, and shall never be liable to be called to account for them.

Art. 60. Each house shall judge of the election of its members, and shall solve the doubts which may arise regarding them.

Art. 61. The houses may not open their sessions nor perform their functions without the presence in the Senate of at least two-thirds, and in the House of Deputies of more than one-half of the whole number of their members, but those present of one or the other body must meet on the day indicated by the law and compel the attendance of absent members under penalties which the law shall designate.

Art. 62. The Congress shall have each year two periods of ordinary sessions; the first, which may be prorogued for thirty days, shall begin on the 16th of September and end on the 15th

of December, and the second, which may be prorogued for fifteen days, shall begin the 1st of April and end the last day of May.

Art. 63. At the opening of the sessions of the Congress the President of the Union shall be present and shall pronounce a discourse in which he shall set forth the state of the country. The President of the Congress shall reply in general terms.

Art. 64. Every resolution of the Congress shall have the character of a law or decree. The laws and decrees shall be communicated to the Executive, signed by the Presidents of both houses and by a Secretary of each of them, and shall be promulgated in this form: "The Congress of the United States of Mexico decrees:" (Text of the law or decree.)

*Paragraph II.—Of the Initiative and Formation of the Laws.*

Art. 65. The right to initiate laws or decrees belongs:

First—To the President of the Union.

Second—To the Deputies and Senators of the General Congress.

Third—To the Legislatures of the States.

Art. 66. Bills presented by the President of the Republic, by the Legislatures of the States, or by deputations from the same, shall pass immediately to a committee. Those which the Deputies or the Senators may present shall be subjected to the procedure which the rules of debate may prescribe.

Art. 67. Every bill which shall be rejected in the house where it originated, before passing to the other house, shall not again be presented during the sessions of that year.

Art. 68. The second period of sessions shall be destined, in all preference, to the examination of and action upon the estimates of the following fiscal year, to passing the necessary appropriations to cover the same, and to the examination of the accounts of the past year, which the Executive shall present.

Art. 69. The last day but one of the first period of sessions the Executive shall present to the House of Deputies the bill of appropriations for the next year following and the accounts of the preceding year. Both shall pass to a committee of five representatives appointed on the same day, which shall be under obligation to examine said documents, and present a report on them at the second session of the second period.

Art. 70. The formation of the laws and of the decrees may begin indiscriminately in either of the two houses, with the

exception of bills which treat of loans, taxes, or imposts, or of the recruiting of troops, all of which must be discussed first in the House of Deputies.

Art. 71. Every bill, the consideration of which does not belong exclusively to one of the houses, shall be discussed successively in both, the rules of debate being observed with reference to the form, the intervals, and manner of proceeding in discussions and voting.

A. A bill having been approved in the house where it originated, shall pass for its discussion to the other house. If the latter body should approve it, it will be remitted to the Executive, who, if he shall have no observations to make, shall publish it immediately.

B. Every bill shall be considered as approved by the Executive if not returned with observations to the house where it originated within ten working days, unless during this term Congress shall have closed or suspended its sessions, in which case the return must be made the first working day on which it shall meet.

C. A bill rejected wholly or in part by the Executive must be returned with his observations to the house where it originated. It shall be discussed again by this body, and if it should be confirmed by an absolute majority of votes, it shall pass again to the other house. If by this house it should be sanctioned with the same majority, the bill shall be a law or decree, and shall be returned to the Executive for promulgation. The voting on the law or decree shall be by name.

D. If any bill should be rejected wholly in the house in which it did not originate, it shall be returned to that in which it originated with the observations which the former shall have made upon it. If, having been examined anew, it should be approved by the absolute majority of the members present, it shall be returned to the house which rejected it, which shall again take it into consideration, and if it should approve it by the same majority it shall pass to the Executive, to be treated in accordance with division A; but, if it should reject it, it shall not be presented again until the following sessions.

E. If a bill should be rejected only in part, or modified, or receive additions by the house of revision, the new discussion in the house where it originated shall treat only of the rejected part, or of the amendments or additions, without being able to

alter in any manner the articles approved. If the additions or amendments made by the house of revision should be approved by the absolute majority of the votes present in the house where it originated, the whole bill shall be passed to the Executive, to be treated in accordance with division A. But if the additions or amendments made by the house of revision should be rejected by the majority of the votes in the house where it originated, they shall be returned to the former, in order that the reasons of the latter may be taken into consideration; and if, by the absolute majority of the votes present, said additions or amendments shall be rejected in this second revision, the bill, in so far as it has been approved by both houses, shall be passed to the Executive, to be treated in accordance with division A; but if the house of revision should insist, by the absolute majority of the votes present, on said additions or amendments, the whole bill shall not be again presented until the following sessions, unless both houses agree by the absolute majority of their members present that the law or decree shall be issued solely with the articles approved, and that the parts added or amended shall be reserved to be examined and voted in the following sessions.

F. In the interpretation, amendment, or repeal of the laws or decrees, the rules established for their formation shall be observed.

G. Both houses shall reside in the same place, and they shall not remove to another without first agreeing to the removal and on the time and manner of making it, designating the same point for the meeting of both. But if both houses, agreeing to the removal, should differ as to time, manner, or place, the Executive shall terminate the difference by choosing one of the places in question. Neither house shall suspend its sessions for more than three days without the consent of the other.

H. When the General Congress meets in extra sessions, it shall occupy itself exclusively with the object or objects designated in the summons; and if the special business shall not have been completed on the day on which the regular session should open, the extra sessions shall be closed nevertheless, leaving the points pending to be treated of in the regular sessions.

The Executive of the Union shall not make observations on the resolutions of the Congress when this body prorogues its sessions or exercises functions of an electoral body or a jury.

*Paragraph III.—Of the Powers of the General Congress.*

Art. 72. The Congress has power:

I. To admit new States or Territories into the Federal Union, incorporating them in the nation.

II. To erect Territories into States when they shall have a population of eighty thousand inhabitants and the necessary elements to provide for their political existence.

III. To form new States within the limits of those existing, it being necessary to this end:

1. That the fraction or fractions which ask to be erected into a State shall number a population of at least one hundred and twenty thousand inhabitants.

2. That it shall be proved before Congress that they have elements sufficient to provide for their political existence.

3. That the Legislatures of the States, the territories of which are in question, shall have been heard on the expediency or in expediency of the establishment of the new State, and they shall be obliged to make their report within six months, counted from the day on which the communication relating to it shall have been remitted to them.

4. That the Executive of the Federation shall likewise be heard, who shall send his report within seven days, counted from the date on which he shall have been asked for it.

5. That the establishment of the new State shall have been voted for by two-thirds of the Deputies and Senators present in their respective houses.

6. That the resolution of Congress shall have been ratified by the majority of the Legislature of the States, after examining a copy of the proceedings; provided that the Legislature of the States whose territory is in question shall have given their consent.

7. If the Legislatures of the States whose territory is in question shall not have given their consent, the ratification mentioned in the preceding clause must be made by two-thirds of the Legislatures of the other States.

A. The exclusive powers of the House of Deputies are:

a. To constitute itself an Electoral College in order to exercise the powers which the law may assign to it, in respect to the election of the Constitutional President of the Republic, Magistrates of the Supreme Court, and Senators for the Federal District.

b. To judge and decide upon the registrations which the President of the Republic or the Magistrates of the Supreme Court of Justice may make. The same power belongs to it in treating of licenses solicited by the first.

c. To watch over, by means of an inspecting committee from its own body, the exact performance of the business of the chief auditorship.

d. To appoint the principal officers and other employes of the same.

e. To constitute itself a jury of accusation, for the high functionaries of whom Article 103 of this Constitution treats.

f. To examine the accounts which the Executive must present annually, to approve the annual estimate of expenses, and to initiate the taxes which in its judgment ought to be decreed to cover these expenses.

B. The exclusive powers of the Senate are:

a. To approve the treaties and diplomatic conventions which the Executive may make with foreign powers.

b. To ratify the appointments which the President of the Republic may make of ministers, diplomatic agents, consuls-general, superior employes of the Treasury, colonels and other superior officers of the national army and navy, on the terms which the law shall provide.

c. To authorize the Executive to permit the departure of national troops beyond the limits of the Republic, the passage of foreign troops through the national territory, the station of squadrons of other powers for more than a month in the waters of the Republic.

d. To give its consent in order that the Executive may dispose of the national guard outside of their respective States or Territories, determining the necessary force.

e. To declare, when the constitutional legislative and executive powers of a State shall have disappeared, that the case has arrived for appointing to it a provisional Governor, who shall call elections in conformity with the Constitutional laws of the said State. The appointment of Governor shall be made by the Federal Executive with the approval of the Senate, and in its recesses with the approval of the Permanent Commission. Said functionary shall not be elected Constitutional Governor at the elections which are had in virtue of the summons which he shall issue.

f. To decide political questions which may arise between the powers of a State, when any of them may appear with this purpose in the Senate, or when on account of said questions Constitutional order shall have been interrupted during a conflict of arms. In this case the Senate shall dictate its resolution, being subject to the general Constitution of the Republic and to that of the State.

The law shall regulate the exercise of this power and that of the preceding.

g. To constitute itself a jury of judgment in accordance with Article 105 of this Constitution.

C. Each of the houses may, without the intervention of the other:

a. Dictate economic resolutions relative to its internal regimen.

b. Communicate within itself, and with the executive of the Union, by means of committees from its own body.

c. Appoint the employes of its secretaryship, and make the internal regulations for the same.

d. Issue summons for extraordinary elections, with the object of filling the vacancies of their respective members.

IV. To regulate definitely the limits of the States, terminating the differences which may arise between them relative to the demarcation of their respective territories, except when these difficulties have a contentious character.

V. To change the residence of the supreme powers of the Federation.

VI. To establish the internal order of the Federal District and Territories, taking as a basis that the citizens shall choose by popular election the political, municipal, and judicial authorities, and designating the taxes necessary to cover their local expenditure.

VII. To approve the estimates of the Federal expenditure, which the Executive must annually present to it, and to impose the necessary taxes to cover them.

VIII. To give rules under which the Executive may make loans on the credit of the nation; to approve said loans, and to recognize and order the payment of the national debt.

IX. To establish tariffs on foreign commerce, and to prevent, by means of general laws, onerous restrictions from being established with reference to the commerce between the States.

X. To issue codes, obligatory throughout the Republic, of mines and commerce, comprehending in this last banking institutions.

XI. To create and suppress public Federal employments and to establish, augment, or diminish their salaries.

XII. To ratify the appointments which the Executive may make of ministers, diplomatic agents and consuls, of the higher employes of the Treasury, of the colonels and other superior officers of the national army and navy.

XIII. To approve the treaties, contracts or diplomatic conventions which the Executive may make.

XIV. To declare war in view of the data which the Executive may present to it.

XV. To regulate the manner in which letters of marque may be issued; to dictate laws according to which must be declared good or bad the prizes on sea and land, and to issue laws relating to maritime rights in peace and war.

XVI. To permit or deny the entrance of foreign troops into the territory of the Republic, and to consent to the station of squadrons of other powers for more than a month in the waters of the Republic.

XVII. To permit the departure of national troops beyond the limits of the Republic.

XVIII. To raise and maintain the army and navy of the Union, and to regulate their organization and service.

XIX. To establish regulations with the purpose of organizing, arming and disciplining the national guard, reserving respectively to the citizens who compose it the appointment of the commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by said regulations.

XX. To give its consent in order that the Executive may control the national guard outside of its respective States and Territories, determining the necessary force.

XXI. To dictate laws on naturalization, colonization, and citizenship.

XXII. To dictate laws on the general means of communication and on the post-office and mails.

XXIII. To establish mints, fixing the conditions of their operation, to determine the value of foreign money, and adopt a general system of weights and measures.

XXIV. To fix rules to which must be subject the occupation and sale of public lands and the price of these lands.

XXV. To grant pardons for crimes cognizable by the tribunals of the Federation.

XXVI. To grant rewards or recompense for eminent services rendered to the country or humanity.

XXVII. To prorogue for thirty working days the first period of its ordinary sessions.

XXVIII. To form rules for its internal regulation, to take the necessary measures to compel the attendance of absent members, and to correct the faults or omissions of those present.

XXIX. To appoint and remove freely the employes of its secretaryship and those of the chief auditorship, which shall be organized in accordance with the provisions of the law.

XXX. To make all laws which may be necessary and proper to render effective the foregoing powers and all others granted by this Constitution and the authorities of the Union.

*Paragraph IV.—Of the Permanent Deputation.*

Art. 73. During the recess of Congress there shall be a Permanent Deputation composed of twenty-nine members, of whom fifteen shall be Deputies and fourteen Senators, appointed by their respective houses the evening before the close of the sessions.

Art. 74. The attributes of the permanent deputation are:

I. To give its consent to the use of the national guard in the cases mentioned in Article 72, Clause XX.

II. To determine by itself, or on the proposal of the Executive, after hearing him in the first place, the summons of Congress, or of one house alone, for extra sessions, the vote of two-thirds of the members present being necessary in both cases. The summons shall designate the object or objects of the extra sessions.

III. To approve the appointments which are referred to in Article 85, Clause III.

IV. To administer the oath of office to the President of the Republic, and to the Justices of the Supreme Court, in the cases provided by this Constitution.

V. To report upon all the business not disposed of, in order that the Legislature which follows may immediately take up such unfinished business.

## SECTION II.—OF THE EXECUTIVE POWER.

Art. 75. The exercise of the supreme executive power of the Union is vested in a single individual, who shall be called "President of the United States of Mexico."

Art. 76. The election of President shall be indirect in the first degree, and by secret ballot, in such manner as may be prescribed by the electoral law.

Art. 77. To be eligible to the position of President, the candidate must be a Mexican citizen by birth, in the exercise of his rights, be fully thirty-five years old at the time of the election, not belong to the ecclesiastical order, and reside in the country at the time the election is held.

Art. 78. The President shall enter upon the performance of the duties of his office on the first of December, and shall continue in office four years, being eligible for the Constitutional period immediately following; but he shall remain incapable thereafter to occupy the presidency by a new election until four years shall have passed, counted from the day on which he ceased to perform his functions.

Art. 79. In the temporary default of the President of the Republic, and in the vacancy before the installation of the newly-elected President, the citizen who may have performed the duties of President or Vice-President of the Senate, or of the Permanent Commission in the periods of recess, during the month prior to that in which said default may have occurred, shall enter upon the exercise of the executive power of the Union.

A. The President and Vice-President of the Senate and of the Permanent Commission shall not be re-elected to those offices until a year after having held them.

B. If the period of sessions of the Senate or of the Permanent Commission shall begin in the second half of a month, the default of the President of the Republic shall be covered by the President or Vice-President who may have acted in the Senate or in the Permanent Commission during the first half of the said month.

C. The Senate and the Permanent Commission shall renew, the last day of each month, their Presidents and Vice-Presidents. For these offices the Permanent Commission shall elect, alternatively, in one month two Deputies and in the following month two Senators.

D. When the office of President of the Republic is vacant, the functionary who shall take it constitutionally as his substitute

must issue, within the definite term of fifteen days, the summons to proceed to a new election, which shall be held within the term of three months, and in accordance with the provisions of Article 76 of this Constitution. The provisional President shall not be eligible to the presidency at the elections which are held to put an end to his provisional term.

E. If, on account of death or any other reason, the functionaries who, according to this law, should take the place of the President of the Republic might not be able in any absolute manner to do so, it shall be taken, under predetermined conditions, by the citizen who may have been President or Vice-President of the Senate or the Permanent Commission in the month prior to that in which they discharged those offices.

F. When the office of President of the Republic shall become vacant within the last six months of the constitutional period, the functionary who shall take the place of the President shall terminate this period.

G. To be eligible to the position of President or Vice-President of the Senate or of the Permanent Commission, one must be a Mexican citizen by birth.

H. If the vacancy in the office of President of the Republic should occur when the Senate and Permanent Commission are performing their functions in extra sessions, the President of the Commission shall fill the vacancy, under conditions indicated in this article.

I. The Vice-President of the Senate or of the Permanent Commission shall enter upon the performance of the functions which this article confers upon them, in the vacancies of the office of President of the Senate or of the Permanent Commission, and in the periods only while the impediment lasts.

J. The newly-elected President shall enter upon the discharge of his duties, at the latest, sixty days after that of the election. In case the House of Deputies shall not be in session, it shall be convened in extra session, in order to make the computation of votes within the term mentioned.

Art. 80. In the vacancy of the office of President, the period of the newly-elected President shall be computed from the first of December of the year prior to that of his election, provided he may not have taken possession of his office on the date which Article 78 determines.

Art. 81. The office of President of the Union may not be resigned, except for grave cause, approved by Congress, before whom the resignation shall be presented.

Art. 82. If for any reason the election of President shall not have been made and published by the first of December, on which the transfer of the office should be made, or the President-elect shall not have been ready to enter upon the discharge of his duties, the term of the former President shall end nevertheless, and the supreme executive power shall be deposited provisionally in the functionary to whom it belongs according to the provisions of the reformed Article 79 of this Constitution.

Art. 83. The President, on taking possession of his office, shall take an oath before Congress, and in its recess before the Permanent Commission, under the following formula: "I swear to perform loyally and patriotically the duties of President of the United States of Mexico, according to the Constitution, and seek in everything for the welfare and prosperity of the Union."

Art. 84. The President may not remove from the place of the residence of the Federal powers, nor lay aside the exercise of his functions without grave cause, approved by the Congress, and in its recesses by the Permanent Commission.

Art. 85. The powers and obligations of the President are the following:

I. To promulgate and execute the laws passed by the Congress of the Union, providing, in the administrative sphere, for their exact observance.

II. To appoint and remove freely the Secretaries of the Cabinet, to remove the diplomatic agents and superior employes of the treasury, and to appoint and remove freely the other employes of the Union whose appointment and removal are not otherwise provided for in the Constitution or in the laws.

III. To appoint ministers, diplomatic agents, consuls-general, with the approval of Congress, and, in its recess, of the Permanent Commission.

IV. To appoint, with the approval of Congress, the colonels and other superior officers of the national army and navy, and the superior employes of the treasury.

V. To appoint the other officers of the national army and navy, according to the laws.

VI. To control the permanent armed force by sea and land for the internal security and external defense of the Federation.

VII. To control the national guard for the same objects within the limits established by Article 72, Clause XX.

VIII. To declare war in the name of the United States of Mexico, after the passage of the necessary law by the Congress of the Union.

IX. To grant letters of marque, subject to bases fixed by the Congress.

X. To direct diplomatic negotiations and to make treaties with foreign powers, submitting them for the ratification of the Federal Congress.

XI. To receive ministers and other envoys from foreign powers.

XII. To convoke Congress in extra sessions when the Permanent Commission shall consent to it.

XIII. To furnish the judicial power with that assistance which may be necessary for the prompt exercise of its functions.

XIV. To open all classes of ports, to establish maritime and frontier custom-houses and designate their situation.

XV. To grant, in accordance with the laws, pardons to criminals sentenced for crimes within the jurisdiction of the Federal tribunals.

XVI. To grant exclusive privileges, for a limited time and according to the proper law, to discoverers, inventors or perfectors of any branch of industry.

Art. 86. For the dispatch of the business of the administrative department of the Federation there shall be the number of Secretaries which the Congress may establish by a law, which shall provide for the distribution of business and prescribe what shall be in charge of each Secretary.

Art. 87. To be a Secretary of the Cabinet it is required that one shall be a Mexican citizen by birth, in the exercise of his rights, and fully twenty-five years old.

Art. 88. All the regulations, decrees and orders of the President must be signed by the Secretary of the Cabinet who is in charge of the department to which the subject belongs. Without this requisite they shall not be obeyed.

Art. 89. The Secretaries of the Cabinet, as soon as the sessions of the first period shall be opened, shall render an account to the Congress of the state of their respective departments.

## SECTION III.

*Of the Judicial Power.*

Art. 90. The exercise of the judicial power of the Federation is vested in a Supreme Court of Justice, and in the District and Circuit Courts.

Art. 91. The Supreme Court of Justice shall be composed of eleven judges, four supernumeraries, one fiscal, and one attorney-general.

Art. 92. Each of the members of the Supreme Court of Justice shall remain in office six years, and his election shall be indirect in the first degree, under conditions established by the electoral law.

Art. 93. In order to be elected a member of the Supreme Court of Justice it is necessary that one be learned in the science of the law in the judgment of the electors, more than thirty-five years old, and a Mexican citizen by birth, in the exercise of his rights.

Art. 94. The members of the Supreme Court of Justice, on entering upon the exercise of their charge, shall take an oath before Congress, and, in its recesses, before the Permanent Commission, in the following form: "Do you swear to perform loyally and patriotically the charge of Magistrate of the Supreme Court of Justice, which the people have conferred upon you in conformity with the Constitution, seeking in everything the welfare and prosperity of the Union?"

Art. 95. A member of the Supreme Court of Justice may resign his office only for grave cause, approved by the Congress, to whom the resignation shall be presented. In the recesses of the Congress the judgment shall be rendered by the Permanent Commission.

Art. 96. The law shall establish and organize the Circuit and District Courts.

Art. 97. It belongs to the Federal tribunals to take cognizance of:

I. All controversies which may arise in regard to the fulfillment and application of the Federal laws, except in the case in which the application affects only private interests; such a case falls within the competence of the local judges and tribunals of the common order of the States, of the Federal District, and of the Territory of Lower California.

II. All cases pertaining to maritime law.

III. Those in which the Federation may be a party.

IV. Those that may arise between two or more States.

V. Those that may arise between a State and one or more citizens of another State.

VI. Civil or criminal cases that may arise under treaties with foreign powers.

VII. Cases concerning diplomatic agents and consuls.

Art. 98. It belongs to the Supreme Court of Justice, in the first instance, to take cognizance of controversies which may arise between one State and another, and of those in which the Union may be a party.

Art. 99. It belongs also to the Supreme Court of Justice to determine the questions of jurisdiction which may arise between the Federal tribunals, between these and those of the States, or between the courts of one State and those of another.

Art. 100. In the other cases comprehended in Article 97, the Supreme Court of Justice shall be a court of appeal or, rather, of last resort, according to the graduation which the law may make in the jurisdiction of the Circuit and District Courts.

Art. 101. The tribunals of the Federation shall decide all questions which arise:

I. Under laws or acts of whatever authority which violate individual guarantees.

II. Under laws or acts of the Federal authority which violate or restrain the sovereignty of the States.

III. Under laws or acts of the State authorities which invade the sphere of the Federal authority.

Art. 102. All the judgments which the preceding article mentions shall be had on petition of the aggrieved party, by means of judicial proceedings and forms which shall be prescribed by law. The sentence shall be always such as to affect private individuals only, limiting itself to defend and protect them in the special case to which the process refers, without making any general declaration respecting the law or act which gave rise to it.

## TITLE V.

### *Of the Responsibility of the Public Functionaries.*

Art. 103. The Senators, the Deputies, the members of the Supreme Court of Justice, and the Secretaries of the Cabinet are responsible for the common crimes which they may commit during their terms of office, and for the crimes, misdemeanors and

negligence into which they may fall in the performance of the duties of said office. The Governors of the States are likewise responsible for the infraction of the Constitution and Federal laws. The President of the Republic is also responsible; but during the term of his office he may be accused only for the crimes of treason against the country, express violation of the Constitution, attack on the freedom of election, and grave crimes of the common order. The high functionaries of the Federation shall not enjoy any constitutional privilege for the official crimes, misdemeanors or negligence into which they may fall in the performance of any employment, office or public commission which they may have accepted during the period for which, in conformity with the law, they shall have been elected. The same shall happen with respect to those common crimes which they may commit during the performance of said employment, office or commission. In order that the cause may be initiated when the high functionary shall have returned to the exercise of his proper functions, proceedings should be undertaken in accordance with the provision of Article 104 of this Constitution.

Art. 104. If the crime should be a common one, the House of Representatives, formed into a grand jury, shall declare, by an absolute majority of votes, whether there is or is not ground to proceed against the accused. In the negative case, there shall be no ground for further proceeding; in the affirmative, the accused shall be, by the said act, deprived of his office, and subjected to the action of the ordinary tribunals.

Art. 105. The houses shall take cognizance of official crimes, the House of Deputies as a jury of accusation, the Senators as a jury of judgment.

The jury of accusation shall have for its object to declare, by an absolute majority of votes, whether the accused is or is not culpable. If the declaration should be absolutory, the functionary shall continue in the exercise of his office; if it should be condemnatory, he shall be immediately deprived of his office, and shall be placed at the disposal of the Senate. The latter, formed into a jury of judgment, and, with the presence of the criminal and of the accuser, if there should be one, shall proceed to apply, by an absolute majority of votes, the punishment which the law designates.

Art. 106. A judgment of responsibility for official crimes having been pronounced, no favor of pardon may be extended to the offender.

Art. 107. The responsibility for official crimes and misdemeanors may be required only during the period in which the functionary remains in office, and one year thereafter.

Art. 108. With respect to demands of the civil order, there shall be no privilege or immunity for any public functionary.

#### TITLE V.

##### *Of the States of the Federation.*

Art. 109. The States shall adopt for their internal regimen the popular, representative, republican form of government, and may provide in their respective Constitutions for the re-election of the Governors in accordance with what Article 78 provides for the President of the Republic.

Art. 110. The States may regulate among themselves, by friendly agreements, their respective boundaries; but those regulations shall not be carried into effect without the approval of the Congress of the Union.

Art. 111. The States may not in any case:

I. Form alliances, treaties or coalitions with another State, or with foreign powers, excepting the coalition which the frontier States may make for offensive or defensive war against the Indians.

II. Grant letters of marque or reprisal.

III. Coin money or emit paper money or stamped paper.

Art. 112. Neither may any State, without the consent of the Congress of the Union:

I. Establish tonnage duties, or any port duty, or impose taxes or duties upon importations or exportations.

II. Have at any time permanent troops or vessels of war.

III. Make war by itself on any foreign power, except in cases of invasion or of such imminent peril as to admit of no delay. In these cases the State shall give notice immediately to the President of the Republic.

Art. 113. Each State is under obligation to deliver without delay the criminals of other States to the authority that claims them.

Art. 114. The Governors of the States are obliged to publish and cause to be obeyed the Federal laws.

Art. 115. In each State of the Federation entire faith and credit shall be given to the public acts, records and judicial proceedings of all the other States. The Congress may, by means of

general laws, prescribe the manner of proving said acts, records and proceedings, and the effect thereof.

Art. 116. The powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them like protection, provided the Legislature of the State, or the Executive if the Legislature is not in session, shall request it.

## TITLE VI.

### *General Provisions.*

Art. 117. The powers which are not expressly granted by this Constitution to the Federal authorities are understood to be reserved to the States.

Art. 118. No person may at the same time hold two Federal elective offices; but if elected to two, he may choose which of them he will fill.

Art. 119. No payment shall be made which is not comprehended in the budget or determined by a subsequent law.

Art. 120. The President of the Republic, the members of the Supreme Court of Justice, the Deputies, and other public officers of the Federation, who are chosen by popular election, shall receive a compensation for their services, which shall be determined by law and paid by the Federal treasury. This compensation may not be renounced, and any law which augments or diminishes it shall not have effect during the period for which a functionary holds the office.

Art. 121. Every public officer, without any exception, before taking possession of his office, shall take an oath to maintain this Constitution and the laws which emanate from it.

Art. 122. In time of peace no military authority may exercise more functions than those which have close connection with military discipline. There shall be fixed and permanent military commands only in the castles, fortresses and magazines which are immediately under the government of the Union; or in encampments, barracks or depots which may be established outside of towns for stationing troops.

Art. 123. It belongs exclusively to the Federal authorities to exercise, in matters of religious worship and external discipline, the intervention which the laws may designate.

Art. 124. The States shall not impose any duty for the simple passage of goods in the internal commerce. The Government of

the Union alone may decree transit duties, but only with respect to foreign goods which cross the country by international or inter-oceanic lines, without being on the national territory more time than is necessary to traverse it and depart to the foreign country.

They shall not prohibit, either directly or indirectly, the entrance to their territory, or departure from it, of any merchandise, except on police grounds; nor burden the articles of national production on their departure for a foreign country or for another State.

The exemptions from duties which they concede shall be general; they may not be decreed in favor of the products of specified origin.

The quota of the import for a given amount of merchandise shall be the same, whatever may have been its origin, and no heavier burden may be assigned to it than that which the similar products of the political entity in which the import is decreed bear.

The national merchandise shall not be submitted to definite route nor to inspection or registry on the ways, nor any fiscal document be demanded for its internal circulation.

Nor shall they burden foreign merchandise with a greater quota than that which may have been permitted them by the Federal law to receive.

Art. 125. The forts, military quarters, magazines and other edifices necessary to the government of the Union shall be under the immediate inspection of the Federal authorities.

Art. 126. This Constitution, the laws of the Congress of the Union which emanate from it, and all the treaties made or which shall be made by the President of the Republic, with the approval of Congress, shall be the supreme law of the whole Union. The judges of each State shall be guided by said Constitution, law and treaties in spite of provisions to the contrary which may appear in the Constitutions or laws of the States.

## TITLE VII.

### *Of the Reform of the Constitution.*

Art. 127. The present Constitution may be added to or reformed. In order that additions or alterations may become part of the Constitution, it is required that the Congress of the Union, by a vote of two-thirds of the members present, shall agree to the alterations or additions, and that these shall be

approved by the majority of the Legislatures of the States. The Congress of the Union shall count the votes of the Legislatures and make the declaration that the reforms or additions have been approved.

#### TITLE VIII

##### *Of the Inviolability of the Constitution.*

Art. 128. This Constitution shall not lose its force and vigor even if its observance be interrupted by a rebellion. In case that by any public disturbance a government contrary to the principles which it sanctions shall be established, as soon as the people recover their liberty its observance shall be re-established, and in accordance with it and the laws which shall have been issued in virtue of it, shall be judged not only those who shall have figured in the government emanating from the rebellion, but also those who shall have co-operated with it.

#### ADDITIONS TO THE CONSTITUTION.

✓ Article 1. The State and the Church are independent of one another. The Congress may not pass laws establishing or prohibiting any religion.

✓ Art. 2. Marriage is a civil contract. This and the other acts relating to the civil state of persons belong to the exclusive jurisdiction of the functionaries and authorities of the civil order, within limits provided by the laws, and they shall have the force and validity which the same attribute to them.

✓ Art. 3. No religious institution may acquire real estate or capital fixed upon it, with the single exception established in Article 27 of this Constitution.

✓ Art. 4. The simple promise to speak the truth and to comply with the obligations which have been incurred, shall be substituted for the religious oath, with its effects and penalties.

SUBMITTED TO THE  
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE,  
1894.

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CONSTITUTION  
OF THE  
KINGDOM OF PRUSSIA,

[ADOPTED JANUARY 31st, 1850, WITH AMENDMENTS SINCE ADOPTED.]

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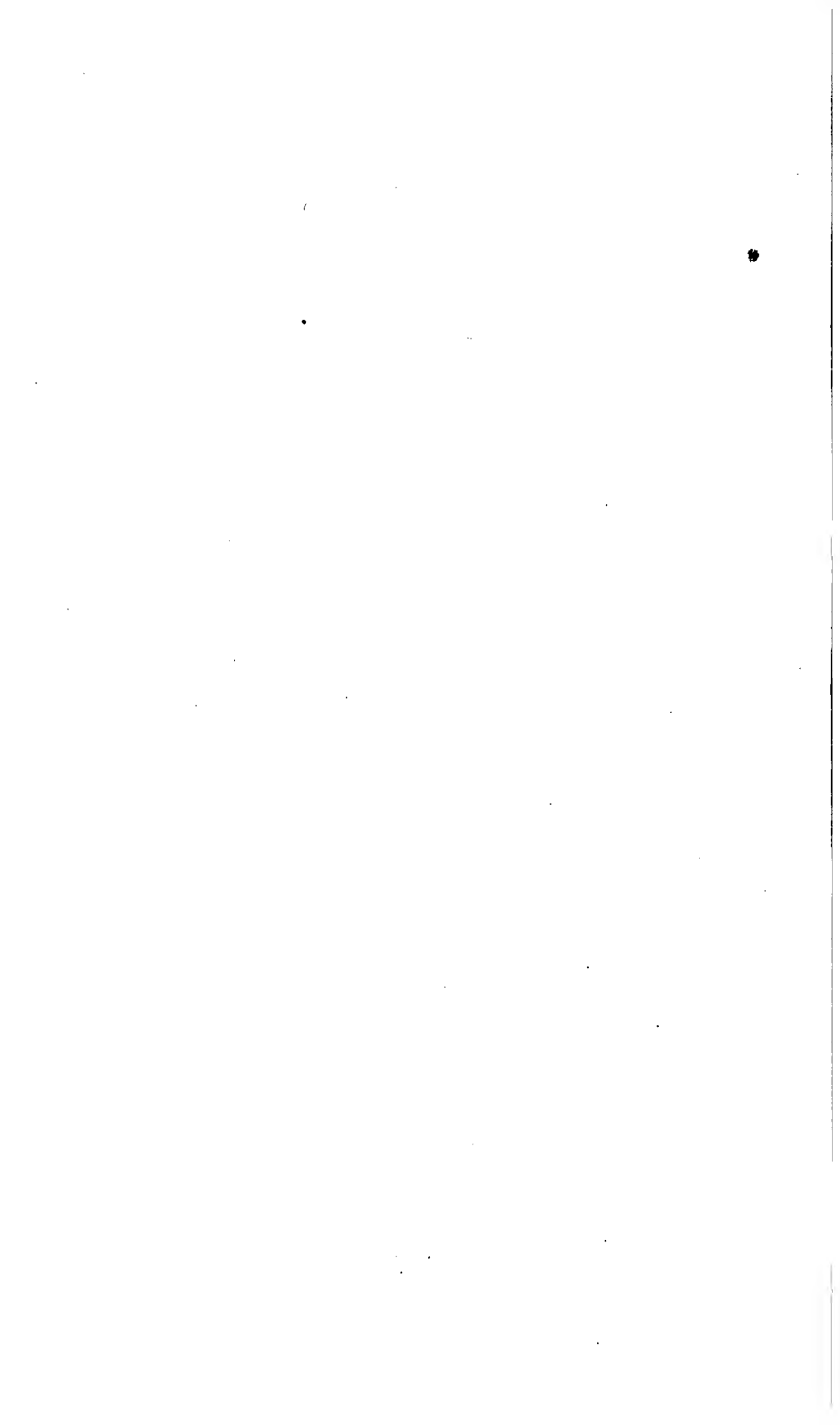
TRANSLATED BY EDMUND J. JAMES AND JAMES HARVEY ROBINSON,  
UNIVERSITY OF PENNSYLVANIA.

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PHILADELPHIA:  
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

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# CONSTITUTION OF KINGDOM OF PRUSSIA.

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PRUSSIAN CONSTITUTION OF THE THIRTY-FIRST OF JANUARY, 1850.

We, Frederick William, by Grace of God, King of Prussia, etc., hereby declare and make known that, whereas the Constitution of the Prussian State, promulgated by us on the 5th of December, 1848, subject to revision by the ordinary process of legisla-

tion, and accepted by both Chambers of our Kingdom, has been submitted to the prescribed revision, we have finally established the provisions of that Constitution in agreement with both Chambers.

We therefore, promulgate the same as a fundamental law of the State, as follows:

#### TITLE I.

##### *The Territory of the State.*

Article 1. All parts of the monarchy in its present extent form the territory of the Prussian State.

Art. 2. The boundaries of this territory can only be altered by law.

#### TITLE II.

##### *The Rights Of Prussians.*

Article 3. The Constitution and the law determine under what conditions the quality and rights of a Prussian citizen may be acquired, exercised, or forfeited.

Art. 4. All Prussians shall be equal before the law. Class privileges shall not be permitted. Public offices, subject to the conditions imposed by law, shall be uniformly open to all who are competent to hold them.

Art. 5. Personal freedom is guaranteed. The forms and conditions under which any limitation thereof, especially arrest, shall be permissible, shall be determined by law.

Art. 6. The domicile shall be inviolable. Intrusion and search therein, as well as the seizing of letters and papers, shall be allowed only in the manner and in the cases prescribed by law.

Art. 7. No one shall be deprived of his lawful judge. Exceptional tribunals and extraordinary commissions shall not be permitted.

Art. 8. Punishments shall not be prescribed or inflicted except according to law.

Art. 9. Property is inviolable. It shall only be taken or interfered with from considerations of public weal, and then only in a manner to be prescribed by law and in return for a compensation to be previously determined. Even in urgent cases a preliminary valuation and compensation shall be made.

Art. 10. Civil death and confiscation of property, as punishment shall not be permitted.

Art. 11. Freedom of emigration can only be limited by the State, with view to military service. Migration fees shall not be levied.

Art. 12. Freedom of religious confession, of association in religious societies (Art. 30 and 31), and of the common exercise of religion in private and public, is guaranteed. The enjoyment of civil and political rights shall not be dependent upon religious belief. But the exercise of religious liberty shall not be permitted to interfere with the civil or political duties of the citizen.

Art. 13. Religious and ecclesiastical associations, which have no corporate rights, can only acquire those rights by special laws.

Art. 14. The Christian religion shall be taken as the basis of those State institutions which are connected with the exercise of religion without prejudice to the religious liberty guaranteed by Article 12.

Art. 15, 16 and 18. (Repealed June 18, 1875.)

Art. 17. A special law shall be enacted relating to church patronage and to the conditions on which it may be abolished.

Art. 19. Civil marriage shall be introduced in accordance with a special law which shall also regulate the keeping of a civil register.

Art. 20. Science and its teaching shall be free.

Art. 21. The education of youth shall be adequately provided for by public schools. Parents and their representatives shall not leave their children or wards without that education prescribed in the public elementary schools. (*Volksschulen.*)

Art. 22. Every one shall be at liberty to give instruction, and establish institutions of learning, provided he shall have given proof, to the proper State authorities, of his moral, scientific and technical fitness.

Art. 23. All public and private educational institutions shall be under the supervision of authorities appointed by the State. Teachers in the public schools shall have the rights and duties of public officials.

Art. 24. In the establishment of public elementary schools, confessional differences shall be considered as far as possible.

Religious instruction in the elementary schools shall be superintended by the religious organizations concerned.

The charge of the external affairs of the elementary schools shall belong to the community (*Gemeinde*). With the statutory co-operation of the community in the manner and to the extent determined by law, the State shall appoint the teachers in the public elementary schools from the number of those qualified.

Art. 25. The means for establishing, maintaining, and enlarging the public elementary schools shall be provided by the communities, which shall, however, be assisted by the State in proven cases of pecuniary inability on the part of the community. The obligations of third parties, based on special legal titles, shall not be impaired.

The State shall accordingly guarantee to teachers in the elementary schools a steady income suitable to local circumstances.

In public elementary schools education shall be imparted free of charge.

Art. 26. A special law shall regulate all matters of education.

Art. 27. Every Prussian shall be entitled to express his opinion freely by word, writing, print, or pictorial representation.

Censorship of the press may not be introduced; and no other restriction on the freedom of the press shall be imposed except by law.

Art. 28. Offenses committed by word, writing, print, or pictorial representation shall be punished in accordance with the general penal code.

Art. 29. All Prussians shall be entitled to meet in closed rooms, peacefully and unarmed, without previous permission from the authorities.

But this provision does not apply to open air meetings, which shall be subject to whatever restrictions the law may prescribe even with respect to previous permission from the authorities.

Art. 30. All Prussians shall have the right to form associations for such purposes as do not contravene the penal laws.

The law shall regulate with special regard to insuring the public security, the exercise of the right guaranteed by this and the preceeding article (29).

Political associations may be subjected by law to restrictions and temporary prohibitions.

Art. 31. The law shall determine the conditions on which corporate rights may be granted or refused.

Art. 32. The right of petition shall belong to all Prussians. Petitions under a collective name shall be permitted only to public authorities and corporations.

Art. 33. The privacy of the mails shall be inviolable. The necessary restrictions of this right, in cases of war and of criminal investigation, shall be determined by law.

Art. 34. All Prussians are bound to military service. The extent and character of this duty shall be determined by law.

Art. 35. The army shall include all divisions of the standing army and the militia (*Landwehr*). In the event of war, the King can call out the reserve militia (*Landsturm*) in accordance with the law.

Art. 36. The military power can only be employed for the suppression of internal troubles, and the execution of the laws, in the cases and manner specified by statute, and on the requisition of the civil authorities. In the latter respect exceptions may be made by law.

Art. 37. The court-martial of the army shall be restricted to penal matters, and shall be regulated by law. Provisions with regard to military discipline shall remain the subject of special ordinances.

Art. 38. The military forces shall not deliberate whether in active service or not; nor shall they otherwise assemble than when commanded to do so. Thus assemblies and meetings of the militia (*Landwehr*) for the purpose of discussing military arrangements, commands and ordinances, are forbidden. Even when they are not in active service.

Art. 39. The provisions of Arts. 5, 6, 29, 30, and 32 shall apply to the army only in so far as they do not conflict with military laws and rules of discipline.

Art. 40. (As amended, June 5, 1852.)

Art. 2. The establishment of feudal tenures is forbidden.

The feudal bond (*Lehnsverband*) still existing with respect to surviving fiefs shall be dissolved by law.

Art. 41. (As amended, June 5, 1852.)

Art. 3. The provisions of Art. 2 do not apply to Crown fiefs or to fiefs situated in other countries.

Art. 42. (As amended, April 14, 1856.)

In accordance with special laws already passed the following are abolished without compensation.

• 1. The right to exercise or delegate judicial power, connected with the possession of certain lands, together with the fees and exemptions accruing from this right.

2. The obligations arising from manorial or patriarchial jurisdiction, from serfage, and from former tax and industrial organization. (*Steuer-und gewerbe-Verfassung.*)

With these rights are also abolished the counter-services and burdens devolving upon those enjoying these rights.

### TITLE III.

#### *The King.*

Article 43. The person of the King shall be inviolable.

Art. 44. The King's Ministers shall be responsible. All official acts of the King shall require for their validity the counter-signature of a Minister, who shall thereby assume responsibility for them.

Art. 45. The executive power shall belong to the King alone. He shall appoint and dismiss the Ministers. He shall order the promulgation of the laws, and issue the necessary ordinances for their execution.

Art. 46. The King shall be Commander-in-Chief of the army.

Art. 47. The King shall fill all posts in the army, as well as in other branches of the public service, in so far as it is not otherwise ordained by law.

Art. 48. The King shall have power to declare war and make peace, and to conclude other treaties with foreign governments. The latter require for their validity the assent of the Chambers in so far as they are commercial treaties, or impose burdens on the State, or obligations on the individual subjects.

Art. 49. The King shall have power to pardon, and to mitigate punishment.

But in favor of a minister condemned for his official acts, this right can only be exercised on the motion of that Chamber whence his impeachment emanated.

Only in virtue of a special law can the King suppress inquiries already instituted.

Art. 50. The King may confer orders and other distinctions, so far as they do not carry privileges with them.

He shall exercise the right of coinage in accordance with the law.

Art. 51. The King shall convoke the Chambers, and close their sessions. He may dissolve the two Chambers together or either one. In such a case, however, the electors shall be assembled within a period of 60 days, and the Chambers summoned within a period of 90 days respectively after the dissolution

Art. 52. The King shall have power to adjourn the Chambers. But without their assent this adjournment may not exceed the space of 30 days, nor be repeated during the same session.

Art. 53. The Crown is, in accordance with the laws of the Royal Family, hereditary in the male line of that house, following the law of primogeniture and agnatic succession.

Art. 54. The King shall attain his majority on completing his 18th year.

In presence of the united Chambers he shall take the oath to observe the Constitution of the monarchy steadfastly and inviolably and to rule in accordance with it and the laws.

Art. 55. Without the consent of both Chambers the King cannot also be ruler of foreign realms.

Art. 56. If the King is a minor, or is otherwise permanently prevented from ruling himself, the Regency shall be undertaken by that agnate (Art. 53) who has attained his majority and stands next in succession to the Crown. He shall immediately convoke the Chambers, which, in united session, shall decide as to the necessity of the Regency.

Art. 57. If there be no agnate of age, and if no legal provision has previously been made for such a contingency, the Ministry of State shall convoke the Chambers, which shall then elect a Regent in united session. And until the assumption of the regency by him, the Ministry of State shall conduct the government.

Art. 58. The Regent shall exercise the powers vested in the King in the name of the latter. After the establishment of the Regency, he shall take the oath before the united Chambers to observe the Constitution of the monarchy steadfastly and inviolably, and to rule in accordance with it and the laws.

Until this oath is taken the whole Ministry of State for the time being, shall remain responsible for all acts of the government.

Art. 59. The annuity drawn from the income of the forests and domains and set apart by the law of January 17th, 1820, shall remain attached to the entailed fund of the Crown.

#### TITLE IV.

##### *The Ministers.*

Art. 60. The Ministers, as well as the State Officials appointed to represent them, shall have access to each Chamber, and must at all times be heard upon their own request.

Each Chamber can demand the presence of the Ministers.

The Ministers shall be entitled to vote in one or other of the Chambers only when members of it.

Art. 61. On the resolution of one Chamber the Ministers may be impeached for the crime of violating the Constitution, for bribery, and for treason. The decision of such cases shall lie with the Supreme Tribunal of the monarchy sitting as a body. As long as two Supreme Courts exist, they shall be united for the above purpose.

Further details as to matters of responsibility, procedure, and punishment, are hereby reserved for a special law.

#### TITLE V.

##### *Chambers.*

Art. 62. The legislative power shall be exercised in common by the King and of the two Chambers.

Every law shall require the assent of the King and of the two Chambers.

Money bills and the budgets shall first be laid before the Second Chamber; the budgets shall either be accepted or rejected as a whole by the First Chamber.

Art. 63. In the event only of its being urgently necessary to maintain public security, or deal with an unusual state of distress when the Chambers are not in session, ordinances, which do not contravene the Constitution, may be issued with the force of the law, on the responsibility of the whole Ministry. But these must be immediately laid before the Chambers for approval at their next meeting.

Art. 64. The King, as well as each Chamber, shall have the right of proposing laws.

Bills that have been rejected by one of the Chambers, or by the King, cannot be re-introduced during the same session.

Art. 65-69. (Amended May 7th, 1853.) The First Chamber shall be formed by Royal ordinance (*Anordnung*), which can only be altered by a law to be issued with the approval of the Chambers.

The First Chamber shall be composed of members appointed by the King, with the right of hereditary transmission, or only for life.

Art. 69. (As amended, April 30, 1851, May 17, 1867, June 23, 1876). The Second Chamber shall consist of four hundred and thirty-three members.

The electoral districts shall be determined by law. They shall consist of one or more circles (*Kreisen*), or of one or more of the larger towns.

Art. 70. Every Prussian who has completed his 25th year, and is qualified to take part in the elections of the Commune where he is domiciled, is entitled to act as a primary voter. (*Urwähler*.)

One entitled to take part in the election of different Communes, can only exercise his right as primary voter in one Commune.

Art. 71. For every 250 souls of the population, one elector (*Wahlmann*) shall be chosen. The primary voters shall be divided into three classes in proportion to the amount of direct taxes they pay, and in such a manner as that each class shall represent a third of the sum-total of the taxes paid by the primary voters.

This sum-total shall be reckoned:

(a) By Communes, in case the Commune forms of itself a primary electoral district.

(b) By districts (*Bezirke*), in case the primary electoral district consists of several Communes.

The first class shall consist of those primary voters, highest in the scale of taxation, who, taken together, pay a third of the total.

The second class shall consist of those primary voters, next highest in the scale, whose taxes form a second third of the whole.

The third class shall be made up of the remaining taxpayers (lowest in the scale), who contribute the other third of the whole.

Each class shall vote apart, and shall choose each a third of the electors.

These classes may be divided into several voting sections, none of which, however, must include more than 500 primary voters.

The electors shall be chosen by each class from the number of the primary voters in their district, without regard to the classes.

Art. 72. The Deputies shall be chosen by the electors.

Further details relating to the elections shall be determined by an electoral law, which shall also make the necessary provision for those cities where flour and meat duties are levied instead of direct taxes.

Art. 73. (As amended, May 22, 1888.)

The legislative period of the Second Chamber shall be five years.

Art. 74. (As amended, March 27, 1872.)

Every Prussian is eligible as Deputy to the Second Chamber who has completed his thirtieth year, who has not forfeited his civil rights in consequence of a valid judicial sentence, and who has been a Prussian subject for three years.

The President and members of the Supreme Chamber of Accounts cannot sit in either house of the Diet. (Landtag.)

Art. 75. After the lapse of a legislative period the Chambers shall be elected anew, and the same in the event of dissolution. In both cases, previous members are re-eligible.

Art. 76. (As amended, May 18, 1857.)

Both houses of the Diet of the Kingdom shall be regularly convened by the King, in the period from the beginning of November, in each year till the middle of the following January, and otherwise as often as circumstances may require.

Art. 77. The Chambers shall be opened and closed by the King in person, or by a Minister appointed by him for this purpose, in a joint session of the Chambers.

Both Chambers shall be simultaneously convened, opened, adjourned, and closed. If one Chamber shall be dissolved, the other shall be at the same time prorogued.

Art. 78. Each Chamber shall examine the credentials of its members, and decide thereupon. It shall regulate its own order of business and discipline by its rule of order, and elect its President, Vice-Presidents and Secretaries.

Members of the public service shall require no special permit (Urlaub), in order to enter the Chamber.

If a member of the Chamber shall accept a salaried office of the State, or is promoted in the service of the State to a post involving higher rank or increase of salary, he shall lose his seat and vote in the Chamber, and can only recover his seat in it by re-election.

No one can be a member of both Chambers.

Art. 79. The sittings of both Chambers shall be public. On the motion of its President, or of ten members, each Chamber may meet in private session, at which the first motion taken up shall be the question of continuing the secrecy of the session.

Art. 80. (As amended, May 30, 1855.)

The Chamber of Deputies cannot take action unless there is a majority of the legal number of its members present. Each Chamber shall take action by absolute majority of votes, subject to any exceptions that may be determined by the rules of order for elections.

The House of Lords shall not take any action unless at least sixty members of the House holding seats and voting in accordance with the provisions of the ordinance of October 12, 1854, shall be present.

Art. 81. Each chamber shall have the separate right of presenting addresses to the king.

No one may in person present to the chambers, or to one of them, a petition or address.

Each chamber can transmit to the ministers the communications made to it, and demand information of them in regard to any grievances thus presented.

Art. 82. Each chamber shall be entitled to appoint for its own information commissions of inquiry into facts.

Art. 83. The members of both chambers are representatives of the whole people. They shall vote according to their own convictions and shall not be bound by commissions or instructions.

Art. 84. For their votes in the chamber they can never be called to account, and for the opinion they express therein they can only be called to account within the chamber itself, in virtue of the rules of order.

No member of either chamber can, without its assent, be held up for examination, or be arrested during the parliamentary session for any penal offense, unless he be taken in the act, or in the course of the following day.

Assent shall alike be necessary in the case of arrest for debt.

All criminal proceedings against a member of the chamber, and all arrests for preliminary examination or civil arrest, shall be suspended during the parliamentary session on demand from the chamber concerned.

Art. 85. The members of the second chamber shall receive out of the State Treasury, traveling expenses and a salary to be fixed by law. Renunciation thereof shall be inadmissible.

## TITLE VI.

### *The Judicial Power.*

Article 86. The judicial power shall be exercised in the name of the King, by independent tribunals subject to no other authority than that of the law.

Judgments shall be issued and executed in the name of the King.

Art. 87. The judges shall be appointed for life by the King, or in his name.

They can only be removed or temporarily suspended from office by judicial sentence, and for reasons previously prescribed by law. Temporary suspension from office, so far as it does not occur in consequence of a law, and involuntary transfer from one position to another or to the superannuated list can occur only from the causes and in accordance with the forms prescribed by law, and only in virtue of a judicial sentence.

But these provisions do not apply to cases of transfer rendered necessary by changes in the organization of the courts or of their districts.

Art. 87a. (Added February 19, 1879.) In the formation of courts common to the territory of Prussia and to that of other federal States, deviations from the provisions of article 86 and of the first clause of article 87 are permissible.

Art. 88. (Abrogated April 30, 1856.)

Art. 89. The organization of the tribunals shall be determined by law.

Art. 90. To the judicial office only those shall be appointed who have qualified themselves for it as prescribed by law.

Art. 91. Courts for special classes of cases, and, in particular, tribunals for trade and industry, shall be established by statute in those places where local needs may require them.

The organization and jurisdiction of such courts, as well as their procedure and the appointment of their members, the special status of the latter, and the duration of their office, shall be determined by law.

Art. 92. In Prussia there shall be only one supreme tribunal.

Art. 93. The proceedings of the civil and criminal courts shall be public, but the public may be excluded by a publicly announced resolution of the court, when order or good morals may seem endangered (by their admittance).

In other cases publicity of proceedings can only be limited by law.

Art. 94. (Amended May 21, 1852.) In criminal cases the guilt of the accused shall be determined by jurymen, in so far as exceptions are not introduced by a law issued with the previous assent of the chambers. The formation of the jury court shall be regulated by a law.

Art. 95. (Amended May 21, 1852.) By a law issued with the previous assent of the chambers, there may be established a special court, the jurisdiction whereof shall include the crimes of high treason, as well as those crimes against the internal and external security of the State, which may be assigned to it by law.

Art. 96. The jurisdiction of the courts and of the administrative authorities shall be determined by law. Conflicts of authority between the courts and the administrative authorities shall be settled by a tribunal indicated by law.

Art. 97. A law shall determine the conditions on which public officials, civil and military, may be prosecuted for wrongs committed by them in exceeding their functions. But the previous assent of superior officials shall not be required as a condition of bringing suit.

## TITLE VII.

### *Public Officials not Belonging to the Judicial Class.*

Art. 98. The special legal status (*Rechtsverhaeltnisse*) of public officials, including advocates and solicitors (*Staatsanwalte*), not belonging to the judicial class, shall be determined by a law which, without unduly restricting the government in the choice of its executive agents, shall secure to civil servants proper protection against arbitrary dismissal from their posts or deprivation of their pay.

## TITLE VIII.

*The Finances.*

Art. 99. All income and expenditures of the State shall be estimated in advance for every year, and be incorporated in the budget.

The latter shall be annually fixed by a law.

Art. 100. Taxes and contributions to the public treasury shall be collected only in so far as they shall have been included in the budget, or authorized by special laws.

Art. 101. In the matter of taxes there shall be no privileges.

Existing tax laws shall be subjected to a revision, and all such privileges abolished.

Art. 102. State and communal officers can levy fees only when authorized by law.

Art. 103. The contracting of loans for the State Treasury can only be effected in virtue of a law; and the same holds good of guarantees involving a burden to the State.

Art. 104. Any violation of the provision of the budget shall require subsequent approval by the chambers.

The accounts relating to the budget shall be examined and audited by the Supreme Chamber of Accounts. The general budget accounts for every year, including the tabular view of the national debt, shall, with the comments of the Supreme Chamber of Accounts, be laid before the chambers for the purpose of discharging the government of responsibility.

A special law shall regulate the establishment and functions of the Supreme Chamber of Accounts.

## TITLE IX.

*The Communes, Circuits, Districts and Provincial Bodies.*

Art. 105. (Amended May 24, 1853.) The representation and administration of the communes, circuits and provinces of the Prussian State shall be determined by special laws.

*General Provisions.*

Art. 106. Laws and ordinances shall become binding after having been published in the form prescribed by law.

The examination of the validity or properly promulgated royal ordinances shall not be within the competence of the government authorities (Behorde), but of the chambers solely.

Art. 107. The Constitution may be amended by the ordinary method of legislation, and such amendment shall merely require the usual absolute majority in each chamber on two divisions, between which there must elapse a period of at least twenty-one days.

Art. 108. The members of both chambers, and State officials, shall take the oath of fealty and obedience to the King, and shall swear conscientiously to observe the Constitution.

The army shall not take the oath to observe the Constitution.

Art. 109. Existing taxes and dues shall continue to be raised; and all provisions of existing statute-books, single laws and ordinances, which do not contravene the present Constitution, shall remain in force until altered by law.

Art. 110. All administrative authorities holding appointments in virtue of existing laws shall continue their activity until the issue of organic laws affecting them.

Art. 111. In the event of war or revolution, and pressing danger to public security therefrom ensuing, articles 5, 6, 7, 27, 28, 29, 30 and 36 of the Constitution may be suspended for a certain time and in certain districts. The details shall be determined by law.

*Temporary Provisions.*

Art. 112. Until the issue of the law contemplated in article 26, educational matters shall be governed by the laws at present in force.

Art. 113. Prior to the revision of the criminal law, a special law will deal with offenses committed by word, writing, print, or pictorial representation.

Art. 114. (Repealed April 14, 1856.)

Art. 115. Until the issue of the electoral law contemplated in article 72, the ordinance of 30th of May, 1849, touching the election of Deputies to the second chamber, shall remain in force.

Art. 116. The two supreme tribunals now existing shall be combined into one. The organization shall be prescribed by a special law.

Art. 117. The claims of State officials who received a permanent appointment before the promulgation of the Constitution shall receive special consideration in the new laws regulating the civil service.

Art. 118. Should changes in the present Constitution be rendered necessary by the German Federal Constitution to be drawn

up on the basis of the draft of 26th May, 1849, such alterations shall be decreed by the King; and the ordinances to this effect laid before the chambers at their first meeting.

The chambers shall then decide whether the changes thus provisionally made harmonize with the federal Constitution of Germany.

Art. 119. The royal oath mentioned in article 54, as well as the oath prescribed to be taken by both chambers and all State officials shall be taken immediately after the legislative revision of the present Constitution (articles 62 and 108) shall have been completed.

In witness whereof we have hereunto set our signature and royal seal, given at Charlottenburg, the 31st January, 1850.

(L. S.)

FRIEDRICH WILHELM.

Graf. v. Brandenburg, v. Landerberg, v. Manteuffel, v. Strotha,  
v. d. Heydt, v. Rabe, Simons, v. Schleinitz.

THE FEDERAL CONSTITUTION  
OF  
SWITZERLAND.

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TRANSLATED BY EDMUND J. JAMES, PH. D.

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1890.

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# CONSTITUTION OF REPUBLIC OF SWITZERLAND.

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FIRST DIVISION.

GENERAL PROVISIONS.

Article 1. The peoples of the twenty-two sovereign Cantons associated in the present Union, viz.: Zurich, Bern, Luzern, Uri, Schwyz, Unterwalden (Upper and Lower), Glarus, Zug, Freiburg, Solothurn, Basel (City and Country), Schaffhausen, Appenzel (the two Rhodes), St. Gallen, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, and Geneva, taken together, form the Swiss Confederation.

Art. 2. The purpose of the Union is: The maintenance of national independence, establishment of tranquility and order within the country, protection of freedom, and of the rights of the Allies, and the promotion of their common welfare.

Art. 3. The Cantons are sovereign, so far as their sovereignty is not restricted by the Federal Constitution, and as such they may exercise all rights which are not delegated to the federal power.

Art. 4. All Swiss shall be equal before the law. In Switzerland there shall be no subjects, nor any privileges of place, birth, family or person.

Art. 5. The Union guarantees to the Cantons their territory, their sovereignty within the limits set by article 3, their Constitutions, liberty, the rights of the people, the constitutional rights of the citizens, and the rights and privileges which the people may have conferred upon their public authorities.

Art. 6. The Cantons are required to demand of the Union its guaranty for their Constitutions.

The Union shall accord this guaranty, provided:

a. That they contain nothing contrary to the provisions of the Federal Constitution.

b. That they provide for the exercise of political rights according to republican (either representative or democratic) forms.

c. That they have been accepted by the people and can be revised whenever an absolute majority of the citizens demand it.

**Art. 7.** All special alliances or treaties of a political character between the various Cantons are forbidden.

The Cantons, however, shall have the right to make agreements with one another on subjects pertaining to legislation, justice and administration; such agreements, however, shall be submitted to the federal authority, which may forbid their execution, if they contain anything contrary to the Union or to the right of other Cantons. If such agreements are not open to these objections, the respective Cantons may demand the co-operation of the federal authorities in their execution.

**Art. 8.** The Union shall have the sole power to declare war, conclude peace, and enter into alliances or treaties, especially customs and commercial treaties with foreign countries.

**Art. 9.** In exceptional cases the Cantons may enter into treaties with foreign countries concerning matters of the public economy, of vicinage, and of police; but such treaties shall not contain anything contrary to the Union or the rights of other Cantons.

**Art. 10.** Official intercourse between the Cantons and foreign governments or their representatives shall take place through the Federal Council. But the Cantons may deal directly with the subordinate authorities and officers of a foreign State in regard to matters mentioned in article 9.

**Art. 11.** Military capulations are absolutely prohibited.

**Art. 12.** Members of the Federal Governments, civil and military officials of the Union, and federal representatives or commissioners, shall not accept from foreign governments any pension, salary, title, present or decoration.

If they are already in possession of pensions, titles or decorations, they shall be required to refuse the pension and refrain from bearing either title or decoration during their term of office.

The Federal Council may, however, permit subordinate officers and appointees to continue to draw their pensions,

Decorations shall not be worn in the Swiss army, nor shall titles conferred by foreign governments be borne.

Every officer, under-officer and soldier shall be forbidden to accept any such distinction.

Art. 13. The Union shall not be allowed to maintain a standing army.

Without permission of the Federal Government no Canton, or in the case of divided Cantons, no half-Canton, shall be permitted to keep more than 300 permanent troops, exclusive of the gendarmes.

Art. 14. The Cantons are prohibited, in case of disputes arising between them, from arming and from all attempts to enforce their own rights, but such dispute shall be submitted to federal decision.

Art. 15. If sudden danger threaten any Canton from foreign countries, the government of the endangered Canton shall call upon the other Cantons for help, and notify the Federal Government, at the same time, without prejudice, however, to the later measures of the same. The Cantons so summoned are bound to come to its aid. The costs shall be borne by the Union.

Art. 16. When internal order is disturbed or when danger threatens from another Canton, the government of the endangered Canton shall immediately notify the Federal Council, in order that it may take the necessary measures within the limits of its competence (Art. 102, nos. 3, 10 and 11), or may summon the Federal Assembly. In urgent cases the cantonal government concerned, notifying the Federal Government of its action, may summon other Cantons to its aid, to which the latter are bound to respond.

If the cantonal government is unable to call for aid, the competent federal authority may interfere on its own initiative, and if the safety of Switzerland be endangered, it shall be its duty to do so.

In cases of federal intervention the federal authorities shall secure the observance of the provisions of article 5.

The costs shall be borne by the Canton calling for or compelling intervention, unless the Federal Assembly, on account of peculiar circumstances, shall decide otherwise.

Art. 17. In the cases mentioned in articles 15 and 16, every Canton shall permit free passage to the troops through its terri-

tory. The troops shall be immediately placed under federal control.

Art. 18. Every Swiss is subject to military service. Soldiers who lose their lives or suffer permanent injury to their health in the federal military service shall be entitled, in case of need, to federal support for themselves or families.

Soldiers shall, in the first instance, be equipped, clothed and armed at public expense. The arms shall remain in possession of the soldier under such conditions as federal law shall provide.

The Union shall make uniform laws on the subject of fees for exemption from military service.

Art. 19. The federal army shall consist (a) of the standing contingents of the Cantons; (b) of all Swiss who, though not belonging to the standing troops, are yet subject to military service.

The control of the federal army, together with all the materials for or belonging thereto, shall be an affair of the Union.

In times of danger the Union shall have the exclusive and immediate control over all troops, whether incorporated in the federal army or not, and over all other military resources of the Cantons.

The Cantons may exercise control over the military resources of their territory, so far as they are not limited by the constitutional or legal regulations of the Union.

Art. 20. Military legislation is an affair of the Union. The execution of the military laws within the Cantons shall take place by the cantonal authorities under the supervision of the Union, and according to regulations made by federal law.

The entire military instruction and the arming of the troops shall be under the control of the Union.

The clothing and equipments and the subsistence of the troops shall be provided by the Cantons; but the costs thereof shall be returned to the Cantons by the Union in a manner to be determined by federal law.

Art. 21. So far as military considerations shall not forbid, the various corps shall consist of men from the same Canton.

The composition of such corps, the duty of preserving their efficiency, and the appointment and promotion of the officers, shall be reserved to the Cantons, subject to general rules to be established by the Union.

Art. 22. Upon giving fair compensation, the Union shall have the right to take either for use or as property the parade grounds and buildings used for military purposes, together with all their belongings, in the various Cantons.

The system of fixing the compensation shall be determined by federal law.

Art. 23. The Union may, in the interest of the confederation, or of a large part of the same, undertake public works at the expense of the confederation, or may assist in their construction.

For this purpose it may exercise the right of expropriation upon making full compensation. The special provisions on this subject shall be left to federal legislation.

The Federal Assembly may forbid the construction of public works whenever they would endanger the military interest of the confederation.

Art. 24. To the Union shall belong the general supervision of the water and forest police measures in the mountains.

It shall assist in the correction and control of the mountain streams and in the afforesting of their sources, and shall prescribe the necessary protective regulations for the preservation of such works and of the forests now existing.

Art. 25. The Union is authorized to adopt regulations as to the exercise of the right of hunting and fishing, especially for the preservation of the nobler sorts of game, and for the protection of birds which are useful to agriculture or forestry.

Art. 26. Legislation pertaining to the construction and management of railways is an affair of the Union.

Art. 27. The Union may establish, in addition to the existing polytechnic school, a university and other higher institutions of learning, or may assist in the support of such institutions.

The Cantons shall provide for satisfactory primary instruction, which shall be solely under public supervision. Such instruction shall be obligatory, and in the public schools free of charge.

The public schools shall be open to the adherents of all faiths, without prejudice to their freedom of belief or of conscience.

The Union shall take such measures as may seem necessary against Cantons which do not conform to these provisions.

Art. 28. The system of custom duties is a federal affair. The Union may collect import and export duties.

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Art. 29. In the collection of customs duties the following provisions shall be observed:

1. Import duties.

a. The raw material necessary for domestic industry or agriculture shall be taxed at as low a rate as possible.

b. Likewise all articles which may be classed as necessities of life.

c. Articles of luxury shall pay the highest rates.

The foregoing principles are to be observed in the conclusion of commercial treaties with foreign countries so far as possible.

2. Export duties are to be fixed at as low a rate as possible.

3. The necessary regulations as to intercourse along the frontier and at the markets shall be incorporated in the customs tariff legislation. The Union may at any time, under extraordinary circumstances, adopt temporary measures in conflict with the foregoing principles.

Art. 30. The income from customs shall flow into the federal treasury.

The compensations which have hitherto been paid to the Cantons in lieu of the customs, road and bridge tolls, market fees, and similar items, are hereby abolished.

As an exceptional indemnity the Cantons Uri, Grisons, Ticino and Valais, in consideration of their international Alpine highways, shall receive a yearly compensation which, in view of all circumstances, is fixed as follows:

For Uri.....	80,000 francs.
For Grisons .....	200,000 francs.
For Ticino .....	200,000 francs.
For Valais .....	50,000 francs.

For breaking roads through the snow on the St. Gothard, the Cantons Uri and Ticino shall receive a yearly compensation of 40,000 francs, all told, until the road over the pass is replaced by a railway.

Art. 31. The freedom of trade and of industry throughout the whole extent of the confederation is hereby guaranteed. Excepted from this rule are:

a. The salt and tobacco monopoly, the federal customs, the import duties on wine and spirituous liquors, as well as the other taxes on consumable commodities expressly recognized by the Union according to the provisions of article 32.

## 390 CONSTITUTION OF REPUBLIC OF SWITZERLAND.

b. Sanitary police regulations against epidemics and veterinary diseases.

c. Regulations as to exercise of trade and industry, as to taxation of business and the use of streets.

But such regulations must not interfere with the principle of freedom of trade and commerce.

Art. 32. The Cantons may collect import duties on wine and other spirituous liquors mentioned in article 31, a, b and c, under the following conditions:

a. In the collection of such duties, free transit of goods shall be interfered with in no way; and, in general, trade shall be hindered as little as possible, and burdened with no other duties.

b. If the articles imported for use are again exported, the duties so paid shall be refunded without further charges.

c. The products of Swiss industry shall be taxed at a lower rate than those of foreign origin.

d. Import duties on wine and other spirituous liquors of Swiss origin shall not be increased where they now exist, nor be introduced into Cantons which do not levy dues.

e. The laws and ordinances of the Cantons in reference to such import duties shall be submitted for approval to the federal authorities before going into effect, so that neglect of the foregoing provisions may be prevented.

With the close of the year 1890 all import duties which may be levied at that time by the Cantons, as well as all similar duties raised by individual communities, shall be abolished without compensation.

Art. 33. The Cantons may make the practice of the liberal professions dependent upon giving evidence of fitness.

Federal legislation shall provide a means of obtaining certificates of such fitness, which shall be valid throughout the whole confederation.

Art. 34. The Union may pass uniform laws as to the employment of children in factories and the length of the working day for adults in the same. It is also authorized to issue regulations for the protection of laborers in dangerous or unhealthful employments.

The business of emigration agents and of private insurance companies shall be subject to the supervision and legislation of the Union.

**Art. 35.** The establishment of gambling houses is prohibited. Those now in existence shall be closed by the 31st of December, 1877.

All concessions granted or renewed since the beginning of the year 1871 are hereby declared null and void.

The Union may also take proper measures in regard to lotteries.

**Art. 36.** The post and telegraph throughout the whole extent of the confederation belong to the Union.

The income from the administration of post and telegraph shall belong to the federal treasury.

The tariff of charges shall be regulated throughout the territory of the confederation according to uniform principles in as equitable manner as possible.

The inviolability of postal and telegraph secrecy is guaranteed.

**Art. 37.** The Union shall exercise general supervision over the roads and bridges in whose maintenance the Union may have an interest.

The moneys which, according to article 30, belong to certain Cantons, in view of their international Alpine highways shall be retained by the federal authorities in case these roads are not kept in good condition by the respective Cantons.

**Art. 38.** To the Union shall belong the exercise of all rights included in the coinage monopoly.

The Union alone shall coin money.

It shall determine the monetary system and prescribe regulations for the valuation of foreign coin.

**Art. 39.** The Union is authorized to make general resolutions by federal law as to the issue and redemption of bank notes.

It shall not, however, establish any monopoly for the issue of bank notes, nor make them a legal tender.

**Art. 40.** The establishment of weights and measures is an affair of the Union.

The execution of laws relating to this subject shall be undertaken by the Cantons under the supervision of the Union.

**Art. 41.** The manufacture and sale of gunpowder throughout the whole territory of the confederation belongs solely to the Union.

Blasting materials not usable as gunpowder are not included in this monopoly.

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Art. 42. The expenditures of the Union shall be defrayed:

- a. From the proceeds of federal property.
- b. From the proceeds of federal frontier duties.
- c. From the proceeds of the post and telegraph.
- d. From the proceeds of the powder monopoly.
- e. From the proceeds of half the gross income from the fees for exemption from military service received by the Cantons.
- f. From the contributions of the Cantons, to be determined by federal legislation according to the taxable resources of the Cantons, upon as equitable a basis as possible.

Art. 43. Every citizen of a Canton is also a Swiss citizen.

As such (after furnishing evidence of his right to vote) he can take part at his place of residence in all federal elections and votes.

No one shall exercise political rights in more than one Canton.

Every Swiss citizen shall enjoy at his place of residence all rights of the citizens of the Canton, as also all rights of the citizens of the commune.

He shall, however, have no share in the common property of citizens or of the corporation, nor shall he exercise the right to vote in matters pertaining purely to such affairs, unless the cantonal laws determine otherwise.

In cantonal and commercial matters he shall acquire the right to vote by a residence of three months.

The cantonal laws, in relation to settlement and the right to vote of those who settle in the communes, are subject to the approval of the Federal Council.

Art. 44. No Canton shall expel a cantonal citizen from its territory or deprive him of the right of citizenship.

The conditions on which foreigners may be admitted to Swiss citizenship, as well as those under which a Swiss may renounce his citizenship for the sake of acquiring a foreign citizenship, shall be determined by federal legislation.

Art. 45. Every Swiss shall have the right to settle at any place within Swiss territory if he possesses a certificate of origin or some similar paper.

In exceptional cases, the right of settlement may be refused to those who, in consequence of criminal sentence, are not in possession of the rights and dignity of citizenship, or it may be withdrawn from such.

The right of settlement may, moreover, be withdrawn from those who, in consequence of serious misdemeanors, have been repeatedly punished, as also from those who become a permanent burden upon public charity, and whose native commune or Canton refuses to give adequate assistance, in spite of official notification to do so.

In Cantons where the system of local relief obtains, the permission of settlement for natives of the Canton may be made dependent on the condition that the parties are able to work and have not hitherto been a permanent burden upon public charity in their previous place of residence.

Every expulsion on account of poverty must be approved by the cantonal government, and notice must first be sent to the government of the Canton of which the person expelled is a native.

No Swiss citizen may be burdened by the Canton which may permit him to settle within its bounds by the requirement of security or any other special burdens connected with settlement. Nor shall the commune in which he settles tax him in any different way from its own native citizens.

A federal law shall fix the maximum sum which may be taken as registration fee for the privilege of settling.

Art. 46. With regard to the civil relations, those who have settled in a place shall be subject, as a rule, to the rights and legislation of the place of residence.

Federal law shall determine the application of this principle, and shall also make the necessary regulations to prevent double taxation.

Art. 47. A federal law shall define the difference between settlement and sojourn, and also prescribe the regulations as to the political and civil rights of sojourners.

Art. 48. A federal law shall make provision as to the cost of the care and burial of poor citizens of one Canton who may become sick or die in another Canton.

Art. 49. The freedom of faith and conscience shall be inviolable.

No one shall be compelled to take part in any religious society or in any religious instruction, or to undertake any religious act, nor shall he be punished in any way whatever for his religious views.

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The religious education of children to the close of their sixteenth year shall be under the control of father or guardian, subject to the principles enumerated above.

The exercise of civil or political rights shall not be abridged by any conditions or provisions of a confessional or religious nature.

Religious views shall not absolve from the performance of civil duties.

No one shall be required to pay taxes which are levied specially for the purely religious purposes of any religious society to which he does not belong. The exact application of this principle shall be determined by federal legislation.

Art. 50. The free exercise of religion is guaranteed, within the limits of morality and public order.

The Cantons and the Union shall have the right to take necessary measures for the establishment of order and public peace among the adherents of the various religious societies, as well as against any interference in the rights of citizens or of the State by church authorities.

Disputes within either the field of public or private law arising from the formation or division of religious societies may be brought before the proper federal authorities for decision by means of formal complaint.

The establishment of bishoprics on Swiss soil is subject to federal approval.

Art. 51. Neither the Society of Jesus nor any allied society shall be suffered in any part of Switzerland, and all participation of their members either in church or school is prohibited.

This prohibition may also be extended by federal law to other religious orders whose action is dangerous to the State or tends to destroy the peace between the various confessions.

Art. 52. The establishment of new, or the restoration of disestablished, monasteries or orders is forbidden.

Art. 53. The determination and certification of facts of the civil state belongs to the civil authorities. More exact regulations shall be made by federal law.

The disposition of burial places shall belong to the civil authorities. It is their duty to see that every one can be decently buried.

Art. 54. The right of marriage shall be under the protection of the Union.

This right shall not be limited for confessional or economic considerations, nor on account of previous conduct or other police reasons. ✓

All marriages contracted in a Canton or in a foreign country, according to the laws there prevailing, shall be recognized as marriage within the territory of the confederation.

By marriage the wife acquires the right of domicile and settlement belonging to the man.

By subsequent marriage of the parents, children are rendered legitimate who were born before marriage.

All collection of bridal settlement fees and similar taxes is prohibited.

Art. 55. Freedom of the press is guaranteed.

Cantonal legislation shall provide for all abuse of the same, but such legislation shall be subject to the approval of the Federal Council.

The Union may issue regulations against the abuse of the freedom of the press when it is directed against the Union or its officers.

Art. 56. The citizens shall have the right to form associations, so far as they are not either in their purpose or methods illegal or dangerous to the State. The abuse of this right may be prevented by cantonal legislation.

Art. 57. The right of petition is guaranteed.

Art. 58. No one shall be deprived of his constitutional judge, and there shall consequently be no exceptional courts.

✓ Ecclesiastical jurisdiction is hereby abolished.

Art. 59. A solvent debtor, with a permanent residence in Switzerland, must be summoned in personal suits before a judge of his own place of residence, and the property of such a person (outside of the Canton in which he lives) cannot be seized or sequestered for claims against him.

Provided that with reference to foreigners the provisions of the respective international treaties shall apply.

Imprisonment for debt is hereby abolished.

Art. 60. All Cantons are required to treat all Swiss citizens like their own citizens, both in their legislation and in judicial procedure.

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Art. 61. Valid judgments in civil cases which have been given in one Canton may be enforced anywhere in Switzerland.

Art. 62. All internal taxes on property leaving one Canton for another (*abzugsrechte*, *la traite foraine*) are hereby abolished as likewise all rights of first purchase (*zugrechte*, *droit de retrait*), of citizens of one Canton against those of another Canton.

Art. 63. The right of free emigration to foreign states shall be recognized so far as this is reciprocal.

Art. 64. The Union shall have power to legislate:

1. Upon civil capacity.
2. Upon all legal relations referring to trade and mobiliary transactions (law of obligations, including commercial law and law of promissory notes).
3. Upon authors' property in works of literature and art, upon executionary procedure for debts, and upon the law of bankruptcy.

The administration of the laws shall belong to the Cantons, except so much as may be assigned to the Federal Tribunal.

Art. 65. No sentence of death shall be pronounced for political offenses.

Corporal punishments are hereby forbidden.

Art. 66. Federal law shall determine the conditions in which a Swiss citizen may be declared to have forfeited his political rights.

Art. 67. Federal law shall prescribe the necessary regulations as to the extradition by one Canton to another of accused persons, but such extradition shall not be made compulsory for political offenses or offenses against the press laws.

Art. 68. Federal legislation shall determine the civil rights of people without a domicile, and shall take measures to prevent the rise of such classes.

Art. 69. The Union shall have power to legislate upon the sanitary regulations to be adopted against dangerous epidemics and veterinary diseases.

Art. 70. The Union may expel from Swiss territory all foreigners who endanger the internal or external safety of the confederation.

SECOND DIVISION.

FEDERAL AUTHORITIES.

*I.—Federal Assembly.*

Article 71. Excepting the rights of the people and the Cantons (Articles 89 and 121), the supreme authority of the Union shall be exercised by the Federal Assembly, which shall consist of two divisions:

- A. The National Council.
- B. The Councils of States.

A.—The National Council.

Article 72. The National Council shall consist of representatives of the Swiss people. One member shall be chosen for every 20,000 of the whole population.

A fraction of more than 1,000 souls shall be counted as 20,000.

Every Canton, and in the Divided Cantons each division thereof, shall choose at least one member.

Article 73. The election for the National Council shall be direct. They shall take place within Federal districts, but no district shall include portions of two different Cantons.

Article 74. Every male Swiss who has completed his twentieth year, and who is not excluded from the active right of citizenship according to the laws of the Canton where he resides, shall be entitled to take part in elections and votes.

The Union may, however, pass uniform laws as to the right to vote.

Article 75. Every male Swiss citizen being a layman and a voter is eligible as member of the National Council.

Article 76. The National Council shall be elected for three years the term of all members expiring at the same time.

Article 77. Members of the Council of States or of the Federal Council or officers appointed by the latter, shall not be at the same time members of the National Council.

Article 78. The National Council shall choose from among its members a President and a Vice-President for each ordinary and extraordinary session.

The member who has filled the office of President for one ordinary session is not eligible either for President or Vice-

President of the ordinary session immediately following. Nor can the same person be Vice-President for two consecutive ordinary sessions.

The President shall have the casting vote in case of a tie; in elections he votes as any other member.

Article 79. The members of the National Council shall receive a compensation from the Federal Treasury.

B.—The Council of States.

Article 80. The Council of States shall consist of forty-four representatives of the Cantons. Each Canton shall elect two representatives, and in the divided Cantons each division shall elect one.

Article 81. No member of the National Council or of the Federal Council shall be at the same time a member of the Council of States.

Article 82. The Council of States shall elect from among its members a President and a Vice-President for each ordinary and extraordinary session.

From among the representatives of that Canton from which a President has been chosen for an ordinary session, neither the President or Vice-President can be taken for the next following ordinary session.

Representatives of the same Canton shall not fill the office of Vice-President during two consecutive ordinary sessions.

The President may give the casting vote in case of a tie; in elections he votes as any other member.

Article 83. Members of the Council of States shall be compensated by their respective Cantons.

C.—Powers of the Federal Assembly.

Article 84. The National Council and the Council of States shall have jurisdiction over all subjects which, according to this Constitution, fall within the competence of the Union and which are not assigned to other Federal authorities.

Article 85. The subjects which fall within the sphere of the two Councils are especially the following:

1. Laws pertaining to the organization and mode of selection of the Federal authorities.

2. Laws and decisions upon those subjects whose regulation is intrusted to the Union by the Federal Constitution.

3. Remuneration and compensation of the members of the Federal Official Boards and of the Federal Secretariat; establishment of permanent offices and determination of their salaries.

4. Choice of the Federal Council, of the Federal Tribunal, of the Federal Secretary and of the General of the Federal Army

The choice or approval of other appointees may by Federal law be intrusted to the Federal Assembly.

5. Alliances and treaties with foreign countries and approval of Cantonal treaties with other Cantons or with foreign countries. Such Cantonal treaties shall, however, not be submitted to the Federal Assembly unless objection be raised to them by the Federal Council or by another Canton.

6. Measures for external safety, for maintenance of the independence and neutrality of Switzerland, declarations of war and conclusion of peace.

7. Guarantees of the Constitutions and territory of the Cantons; intervention in consequence of the guarantee; measures for internal safety, for the establishment of tranquillity and order; amnesty and pardon.

8. Measures for securing observance of the Federal Constitution; the guarantee of the Cantonal Constitutions, the fulfillment of Federal obligations.

9. Regulations concerning the Federal Army.

10. Establishment of the yearly budget, approval of public accounts, and decrees as to contracting loans.

11. General supervision of the Federal administration and justice.

12. Appeals from the decisions of the Federal Council in administrative disputes.

13. Disputes as to competence among the Federal authorities.

14. Revision of the Federal Constitution.

Article 86. Both Councils shall convene once each year in ordinary session on a day to be fixed by regulation.

They may also be summoned in extraordinary session by vote of the Federal Council or on demand of one-fifth of the members of the National Council or of five Cantons.

Article 87. No valid action can be taken in either Council unless a majority of the members be present.

Article 88. In the National Council and in the Council of States, the majority of those voting shall decide the question.

Article 89. For Federal laws and Federal decrees, the consent of both Councils is necessary.

Federal laws, as also general Federal decrees—if not of an urgent nature—must also be submitted to popular vote upon demand of 30,000 qualified voters or of eight Cantons.

Article 90. Necessary details as to forms and times of popular voting shall be fixed by Federal law.

Article 91. The members of both councils vote without instructions.

Article 92. The Councils deliberate separately. In case of elections of granting pardons, and of deciding disputes as to competence (Article 85, 13) the two Councils shall, however, meet in joint session under the chairmanship of the President of the National Council. Votes shall be decided by simple majority of all members of both Councils voting.

Article 93. Each Council and every member of each Council shall have the right to make propositions (i. e., have the right of initiative).

The same right belongs to the Cantons by correspondence.

Article 94. The sessions of both Councils shall, as a rule, be public.

## *II.—Federal Council.*

Article 95. The supreme executive and directive body of the Confederation shall be a Federal Council consisting of seven members.

Article 96. The members of the Federal Council shall be chosen by the Federal Assembly for the term of three years, from among all Swiss citizens who are eligible to the National Council. Not more than one member shall be chosen from the same Canton.

After every general election for the National Council the Federal Council shall also be integrally renewed.

In cases of vacancy in the meantime in the Federal Council the vacancies shall be filled for the rest of the term at the next meeting of the Federal Assembly.

Article 97. The members of the Federal Council shall not hold any office either in the service of the Union or of a Canton, nor engage in any other calling or business.

Article 98. The Federal President, who shall preside over the Federal Council, shall be chosen, together with the Vice-President,

## CONSTITUTION OF REPUBLIC OF SWITZERLAND. 401

for the term of one year, by the Councils in joint session from among their members.

The retiring President is not eligible either as President or Vice-President for the next following year. The same member may not hold the office of Vice-President for two consecutive years.

Article 99. The Federal President and the other members of the Federal Council shall receive a compensation from the Federal treasury.

Article 100. In order to make action valid four members of the Federal Council must be present.

Article 101. The members of the Federal Council shall have the right to take part in the discussions of both branches of the Federal Assembly, and also the right to make motions on any matter under consideration.

Article 102. The Federal Council shall have especially the following rights and duties, subject to the provisions of the present Constitution.

1. It shall direct Federal affairs according to Federal laws and decrees.

2. It shall care for the due observance of the Constitution, laws and decrees of the Union, as well as the provisions of Federal concordats. It shall take the necessary measures for their execution, either on its own initiative or upon complaint, so far as the decision of such affairs has not been vested in the Federal Tribunal by article 113.

3. It shall enforce the guarantee of the Cantonal Constitutions.

4. It shall propose to the Federal Assembly laws and decrees, and shall report upon the propositions sent to it by the Councils of the Union or by the Cantons.

5. It shall execute the Federal laws and decrees, the judgments of the Federal Tribunal, as well as the compromises and arbitrators' decisions on questions of dispute among the Cantons.

6. It shall make such appointments as are not intrusted to the Federal Assembly, Federal Tribunal, or to some other body.

7. It shall examine the treaties of the Cantons with one another or with foreign countries, and shall approve them so far as they are permissible. (Article 85, No. 5.)

8. It shall protect the external interests of the Union especially in all international relations and shall in general have charge of foreign affairs.

9. It shall protect the internal safety, and the independence and neutrality of Switzerland.

10. It shall care for the external security of the Union, and for the establishment of quiet and order.

11. In urgent cases the Federal Council shall have authority, if the councils are not in session, to call out the necessary number of troops and employ them as it shall see fit; provided that it shall call the councils together immediately, and provided further, that the number of men called out shall not exceed two thousand, nor the term of service exceed three weeks.

12. It shall have charge of Federal Army affairs, and all branches of administration which belong to the Union.

13. It shall examine those laws and ordinances of the Cantons which require its approval; and shall watch over those branches of Cantonal administration which are subject to its supervision.

14. It shall manage the finances of the Union, and provide for the preparation of estimates and for a statement of the accounts of federal income and expenditure.

15. It shall exercise the supervision over the conduct of business by all officers and employees of the federal administration.

16. It shall report to the Federal Assembly at each ordinary session upon its conduct of business, upon the internal condition and foreign relations of the Union, and shall recommend to its attention such measures as in its judgment are desirable for the promotion of the common welfare.

It shall also make special reports upon the demand of the Federal Assembly or either branch thereof.

Art. 103. The business of the Federal Council shall be divided according to departments among its various members. The sole purpose of this division is to facilitate the examination and dispatch of business. Every decision must emanate from the Federal Council as a body.

Art. 104. The Federal Council and its departments are authorized to call in the aid of experts for special matters.

*III.—Federal Secretaries.*

Article 105. The duties of Secretary to the Federal Assembly and Federal Council, shall be performed by a Federal Secretariat under the direction of a Federal Secretary.

The Secretary shall be chosen for the term of three years by the Federal Assembly, at the same time as the Federal Council.

The Federal Secretariat shall be under the special supervision of the Federal Council.

The details of the organization of the Federal Secretariat shall be determined by federal law.

*IV.—Organization and Powers of the Federal Tribunal.*

Article 106. For the administration of justice, so far as it belongs to the Union, a Federal Tribunal shall be organized.

In criminal cases (article 112) all trials shall be by jury.

Article 107. The members of the Federal Tribunal and their substitutes shall be chosen by the Federal Assembly. In this choice care shall be taken that the three national languages shall be represented.

The organization of the Federal Tribunal and of its divisions, the number of its members and substitutes, and their term of office and compensation, shall be determined by law.

Article 108. Any Swiss citizen who is eligible to the National Council may be chosen a member of the Federal Tribunal.

The members of the Federal Assembly, or Federal Council, or officers appointed by either of these bodies, shall not at the same time be members of the Federal Tribunal.

The members of the Federal Tribunal shall not hold any other office in the service, either of the Union or of any Canton, nor pursue any other calling or business during their term of office.

Article 109. The Federal Tribunal shall organize its own Secretariat.

Article 110. The judicial authority of the Federal Tribunal shall extend to civil cases:

1. Between the Union and any Canton.
2. Between the Union and corporations or private persons, when such corporations or private persons are the plaintiffs, and the subject of dispute exceeds a certain value to be fixed by Federal legislation.
3. Between Cantons.

4. Between Cantons and corporations or private persons upon the demand of either party, where the subject of dispute exceeds a certain value to be fixed by Federal legislation.

The Federal Tribunal shall, moreover, pass upon appeals in regard to loss of domicile (*Heimathlosigkeit*) and upon civil disputes between communes of different Cantons.

Article 111. The Federal Tribunal shall, moreover, decide other cases upon the demand of both parties to the suit, when the litigation concerns matters exceeding a certain value to be fixed by Federal legislation.

Article 112. With the aid of juries which shall pass upon the facts, the Federal Tribunal shall also decide in criminal cases:

1. Involving high treason against the Union, or revolt or violence against the Federal authorities.

2. Involving crimes and misdemeanors against international law.

3. Involving political crimes or misdemeanors which are the cause or consequence of such disturbances as call for armed intervention on the part of the Union.

4. Involving charges against officials appointed by a Federal authority, upon the application of the latter.

Article 113. The Federal Tribunal shall decide further:

1. Disputes as to competence between Federal and Cantonal authorities.

2. Disputes on points of public law between Cantons.

3. Complaints concerning violation of the Constitutional rights of citizens, and appeals of private citizens on account of violation of concordats between Cantons or violation of international treaties.

Administrative disputes, however (to be more exactly defined by Federal legislation), shall be excluded from the jurisdiction of the Federal Tribunal.

In all these cases, however, the laws and general decrees of the Federal Assembly, and the treaties approved by them, shall be the supreme law for the Federal Tribunal.

Article 114. Besides the subjects mentioned in articles 110, 112 and 113, other cases may be placed by Federal law within the competence of the Federal Tribunal. Federal law shall determine, moreover, what powers shall be intrusted to the Federal Tribunal for securing uniformity in the application of such Federal laws as may be passed in accordance with article 64.

*V.—Various Provisions.*

Article 115. Federal law shall determine the seat of the Federal authorities.

Article 116. The three leading languages of Switzerland, German, French and Italian, shall be considered national languages of the Union.

Article 117. The officials of the Union shall be responsible for their conduct of business. Federal law shall define this responsibility and the means of enforcing it.

THIRD DIVISION.

REVISION OF THE CONSTITUTION.

Article 118. The Federal Constitution may be revised at any time.

Article 119. Each revision shall take place by the ordinary method of Federal legislation.

Article 120. If one branch of the Federal Assembly vote for revision and the other does not approve, or upon the demand of fifty thousand qualified voters—in either case—the question of revision must be submitted to the Swiss people for their decision.

Whenever the majority of citizens voting shall favor revision, both Councils shall be elected anew in order to undertake the revision.

Article 121. The revised Constitution shall go into effect whenever it shall receive a majority of all the votes cast and the approval of a majority of the Cantons.

In determining the majority of the Cantons, the vote of each part of a divided Canton shall be counted as half a vote.

The result of the popular vote in each Canton shall be taken as determining the vote of the Canton.

TRANSITION PROVISIONS.

Article 1. With respect to the disposition of the revenue from customs and the post, existing provisions shall remain in force until the transfer to the Union of the military burdens now borne by the Cantons shall be completed.

A Federal law shall, moreover, provide that those Cantons which shall suffer financial loss on account of the new arrange-

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ments introduced by articles 20, 30, 36, second clause, and 42e, shall not be subjected to the entire loss at once, but the loss shall be distributed in a series of years.

Those Cantons which up to the time when article 20 shall go into effect shall still be in arrears for the military services due under the existing Constitution and laws, shall be required to make good these services at their own cost.

Article 2. All provisions of existing Federal laws, of the concordats of the Cantonal Constitutions and laws, which are in conflict with the new Constitution, become null and void when it shall be accepted, or when the Federal laws passed in pursuance thereof shall be published.

Article 3. The new provisions in regard to the powers of the Federal Tribunal shall not take effect until the passage of the Federal laws relating to it.

Article 4. The Cantons shall be allowed a period of five years within which to introduce the system of gratuitous public primary schools.

Article 5. Persons following one of the learned professions who may have obtained a certificate of fitness from any Canton, or from any official body representing several Cantons, prior to the passage of the laws indicated in article 33, shall be entitled to practice their profession throughout the whole Union.

Voted to submit to the people and Cantons by the National Council

Bern, January 31, 1874.

ZEIGLER,

SCHIESS,

President.

Keeper of the Minutes.

Voted to submit to the people and Cantons by the council of States.

Bern, January 31, 1874.

A. KOPP,

President.

J. L. LUTSCHER,

Keeper of the Minutes.

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### FEDERAL DECREE

Concerning the result of the vote upon the revised Federal Constitution, submitted January 31, 1874 (of the 29th of May, 1874).

THE FEDERAL ASSEMBLY OF THE SWISS CONFEDERATION.

After examination of the reports of the vote of the Swiss people upon the revised Federal Constitution, submitted January 31, 1874, which vote was taken on April 19, 1874:

After receiving the declarations of the proper Cantonal authorities in regard to the vote of the Cantons on the same subject:

After examination of a message of the Federal Council, dated May 20, 1874,

From which document it appears:

a. That in regard to the popular vote \* \* \* 340,199 declared in favor of acceptance, and 198,013 declared against acceptance, leaving a majority of 142,186 in favor of acceptance.

b. That in regard to the vote of the Cantons, fourteen and one-half Cantons voted in favor of acceptance, and seven and one-half voted against acceptance, leaving a majority of seven Cantons in favor of acceptance.

Hereby declares:

1. That the revised Federal Constitution, submitted by the Federal law of January 31, 1874, has received both the majority of all votes cast, and the approval of a majority of all the Cantons, and that it is, therefore, hereby solemnly declared in effect, bearing date of May 29, 1874.

2. The Federal Council is hereby intrusted with the publication of the present resolution, and with the further measures which may be necessary for its execution.

Voted by the National Council.

Bern, May 28, 1874.

ZIEGLER,  
President.

SCHIESS,

Keeper of the Minutes.

Voted by the Council of States.

Bern, May 29, 1874.

A. KOPP,  
President.

J. L. LUTSCHER,

Keeper of the Minutes.

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The Swiss Federal Council enacts:

The foregoing Federal Decree, together with the Swiss Federal Constitution, shall be enrolled in the official collection of statutes of the Union, and the decree shall be transmitted to the governments of the Cantons to be published by them through posting up in public places.

Bern, May 30, 1874.

SHENK,  
Federal President.

SCHIESS,  
Federal Secretary.

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CONSTITUTION

OF THE

REPUBLIC OF VENEZUELA.

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# INTRODUCTION

## TO THE

### CONSTITUTION OF REPUBLIC OF VENEZUELA.

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The Republic of Venezuela, lying along the northern limits of South America, has a coast line of 780 miles, but if we consider its sinuosities of bays, gulfs and lakes, it exceeds 1,500 miles, or about 350 miles on the Atlantic Ocean and Gulf of Para, and 1,200 miles on the Caribbean Sea. Its geographical position is defined between 1 degree 40 minutes and 12 degrees 26 minutes latitude north and 3 degrees 55 minutes and 17 degrees 20 minutes longitude east of Washington. On the north it is bounded by the Caribbean Sea and the Atlantic Ocean, on the south by the Republic of Brazil and part of Columbia, on the east by British Guinea, and on the west by the Republic of Columbia. Its average length from east to west is 860 miles and its mean width is 500 miles. It contains 597,960 square miles of superficial area as compiled from the official records of the Government, a territory of greater extent than that of France, Germany, and the Netherlands combined; exceeding also the aggregate size of the States of Texas, Colorado, Idaho and California. This territory is distributed as follows:

	Square miles.	Population.
Federal district .....	45	71,399
State of—		
Miranda .....	72,499	526,633
Carabobo .....	2,984	175,294
Berundez .....	32,243	297,466
Zamora .....	25,212	249,018
Lara .....	9,296	260,681
Los Andes .....	14,719	339,619
Falcon .....	36,212	203,347
Bolívar .....	88,701	60,097
Territories .....	315,827	97,068
Colonies .....	222	2,432
 Total .....	 597,960	 2,285,054

The Government of Venezuela is a Federal Republic, with a constitution modeled after those of the United States and Switzerland. Its chief provisions are the autonomy of the States, the reservation to them of all power not specially delegated to the Federal Government, popular elections, obligatory and open suffrage, free speech, free press, religious liberty, security of person and property alike to natives and foreigners.

prohibition of slavery, abolition of capital punishment, imprisonment for crime for not more than ten years, no imprisonment for debt, no *ex post facto* law, and immunity from search of houses and private papers. The writ of habeas corpus and trial by jury are unknown.

The legislative power is vested in a Senate and House of Deputies, the former composed of three senators from each State who, with their alternates, are elected for the term of four years, and the latter consisting of one deputy for each 35,000 inhabitants, and one for each fraction in excess of 15,000 inhabitants, with one deputy from the federal district, all of whom, with their alternates, are chosen for the period of four years. The Congress, thus formed, consists of twenty-seven senators and fifty-three deputies, and their prerogatives correspond, in great degree, with those pertaining to the same legislative bodies in the United States.

The executive power is exercised by a President in conjunction with his Cabinet ministers and the Federal Council. The President may suspend the execution of a law, but he cannot veto it, since this power pertains to the States, to which the suspended law must, in such case, be referred for ratification or rejection. His term of office expires after two years' duration and he is incapacitated for the office during the immediately succeeding term.

The judiciary function is reposed in the high Federal Court, corresponding, in great measure, to the Supreme Court of the United States, and in the Court of Appeals, which is the Supreme Court of the States. These courts are composed of nine judges each, who, with their alternates, are elected for the period of four years, those of the former court by the Congress and those of the latter by the Federal Council from lists furnished for that purpose by each State. Justice is administered in each State by local civil and criminal courts and by district and municipal judges.

The Federal Council, which is an important adjunct to the executive and legislative power, is composed of a senator and deputy from each State and a deputy from the federal district, chosen by Congress from amongst its own members for the term of two years, who are ineligible for a second term, but may, upon the expiration of their period of service, return to their seats in Congress. This Council is elected at the opening of Congress, and, after organization, elects, from its own members, the President of the Republic. To the President, with the approbation of a majority of this council, is granted many extraordinary powers, such as to provide for the public defense, to expel individuals, to suspend personal guarantees, to nominate, appoint, suspend, or remove all public officers, to grant concessions, to administer the public lands and mines, and to organize an army in time of peace. His acts, however, in all these important matters must, upon the opening of the sessions of Congress be referred to that body for approval.

A President, senator, judge of the high Federal Court, officer of hacienda diplomatic officer, or consul-general must be a Venezuelan by birth.

→ The church is under the patronage of the Government, and all ecclesiastical dignitaries are nominated by the authority of the Government.

# CONSTITUTION OF REPUBLIC OF VENEZUELA.

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38. Immunity of the senators and deputies.
39. Congress will be presided over by the President of the Senate, the presiding officer of the Chamber of Deputies shall act as Vice-President.
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45. The laws of the National Legislature may be proposed by either chamber, provided.
46. All projects must undergo three discussions on three different days.
47. Projects approved in one chamber will be passed to the other chamber for the purposes indicated in the preceding article.
48. In case the chamber of its origin does not agree with the amendments.—They may assemble together in congress.
49. Upon the passing of the projects from one to the other chambers the days on which they have been discussed will be stated.
50. In regard to a law reforming another law.
51. The style of the laws shall be.
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65. The prerogatives of the President of Venezuela are:
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67. The Ministers of the cabinet of the President of the United States of Venezuela.
68. Qualifications necessary to become a minister of the cabinet.
69. The duties of the ministers of the cabinet.
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71. The settlement of all business, except, will be settled by the ministers.
72. The ministers to render an account of what they have done, they will also render written or verbal reports that may be requested of them.
73. They will present to the National Legislature the general account of the past year.
74. The ministers have the right to be heard in the chambers, and are obliged to attend when they are called upon for information.
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85. The Court of Appeals will have the following prerogatives.

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86. By whom the National Executive is exercised.—Who the President shall be.
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94. Who may change the commanders of the public forces.
95. The military and civil power shall never be exercised by the same person or corporation.
96. In regard to the right of ecclesiastical patronage.
97. In regard to employes of the government of the federation.
98. The National Government shall not station troops nor military officers with a command in the State, except.
99. Neither the National Executive nor those of the States can resort to armed intervention if the domestic contentions of a State.
100. In case of a permanent or temporary vacancy.
101. Exportation to be free.
102. All usurped authority is without effect and its acts are null.
103. In regard to the exercise of any function not conferred by the Constitution or laws.
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107. When the estimate of the appropriations for a fiscal period shall not have been made.
108. In regard to the National forces in time of election.
109. In international treaties of commerce and friendship this clause will be inserted, to wit.
110. No individual can hold more than one office.—What is equivalent to a resignation.
111. The law will create and designate tribunals that may be necessary.
112. The National officers cannot accept gifts, commissions from a foreign Nation, except.
113. Armed force cannot deliberate.
114. The Nation and the States will promote foreign immigration and colonization.
115. The law will regulate the manner in which National officers shall take the oath of office.
116. With whom the National Executive will negotiate.
117. The law of nations forms a part of the National legislation.—When its dispositions shall be enforced.
118. In regard to the amendment of the Constitution.
119. When this Constitution shall take effect.
120. The Constitutional period for the offices of the general administration of the Republic will continue to be computed from February 20, 1882.
121. For every act of civil and political life of the States of the Federation, its basis of population is that which is determined in the last census approved by the National Legislature.
122. The Federal Constitution of April 27, 1881, is repealed.

TITLE I.

*The Nation.*

Section I.—Of the Territory.

Article 1. The States that the Constitution of March 28, 1864, declared independent and united to form the Venezuelan Federation, and that on April 27, 1881, were denominated Apure, Bolivar, Barquisimeto, Barcelona, Carabobo, Cojedes, Cumana, Falcon, Guzman Blanco, Guarico, Guayana, Guzman, Maturin, Nueva Esparta, Portuguesa, Tachira, Trujillo, Yaracuy, Zamora, and Zulia are constituted into nine grand political bodies, viz.:

The State of Bermudez, composed of Barcelona, Cumana, and Maturin; the State of Miranda, composed of Bolivar, Guzman Blanco, Guarico, and Nueva Esparta; the State of Carabobo, composed of Carabobo and Nirgua; the State of Zamora, composed of Cojedes, Portuguesa, and Zamora; the State of Lara, composed of Barquisimeto and Yaracuy, except the department of Nirgua; the State of Los Andes, composed of Guzman, Trujillo, and Tachira; the State of Bolivar, composed of Guayana and Apure; the State of Zulia, and also the State of Falcon.

And they are thus constituted to continue one only nation, free, sovereign, and independent, under the title of the United States of Venezuela.

Art. 2. The boundaries of these great States are determined by those that the law of April 28, 1856, that arranged the last territorial division, designated for the ancient provinces until it shall be reformed.

Art. 3. The boundaries of the United States of the Venezuelan Federation are the same that in 1810 belonged to the old Captaincy-General of Venezuela.

Art. 4. The States that are grouped together to form the grand political bodies will be called Sections. These are equal among themselves; the Constitutions prescribed for their internal organism must be harmonious with the federative principles established by the present compact, and the sovereignty not delegated resides in the State without any other limitations than those that devolve from the compromise of association.

## Section II.— Of Venezuelans.

Art. 5. These are Venezuelans viz.:

First. All persons that may have been or may be born on Venezuelan soil, whatever may be the nationality of their parents.

Second. The children of a Venezuelan father or mother that may have been born on foreign soil, if they should come to take up their domicile in the country and express the desire to become citizens.

Third. Foreigners that may have obtained naturalization papers; and,

Fourth. Those born or that shall be born in any of the Spanish-American republics or in the Spanish Antilles, provided that they may have taken up their residence in the territory of the Republic and express a willingness to become citizens.

Art. 6. Those that take up their residence and acquire nationality in a foreign country do not lose the character of Venezuelans.

Art. 7. Males over twenty-one years of age are qualified Venezuelan citizens, with only the exceptions contained in this Constitution.

Art. 8. All Venezuelans are obliged to serve the nation according to the prescriptions of the laws, sacrificing his property and his life, if necessary, to defend the country.

Art. 9. Venezuelans shall enjoy in all the States of the Union, the rights and immunities inherent to their condition as citizens of the Federation, and they shall also have imposed upon them there the same duties that are required of those that are natives or domiciled there.

Art. 10. Foreigners shall enjoy the same civil rights as Venezuelans and the same security in their persons and property. They can only take advantage of diplomatic means in accordance with public treaties and in cases when right permits it.

Art. 11. The law will determine the rights applicable to the condition of foreigners, according as they may be domiciled or in transit.

## TITLE II.

*Bases of the Union.*

Art. 12. The States that form the Venezuelan Federation reciprocally recognize their respective autonomies; they are

declared equal in political entity, and preserve, in all its plenitude, the sovereignty not expressly delegated in this Constitution.

Art. 13. The States of the Venezuelan Federation oblige themselves:

First. To organize themselves in accord with the principles of popular, elective, federal, representative, alternative and responsible government.

Second. To establish the fundamental regulations of their interior regulation and government in entire conformity with the principles of this Constitution.

Third. To defend themselves against all violence that threatens the sectional independence or the integrity of the Venezuelan Federation.

Fourth. To not alienate to a foreign power any part of their territory, nor to implore its protection, nor to establish or cultivate political or diplomatic relations with other nations, since this last is reserved to the Federal power.

Fifth. To not combine or ally themselves with another nation, nor to separate themselves to the prejudice of the nationality of Venezuela and her territory.

Sixth. To cede to the nation the territory that may be necessary for the Federal district.

Seventh. To cede to the Government of the Federation the territory necessary for the erection of forts, warehouses, ship-yards, and penitentiaries, and for the construction of other edifices indispensable to the general administration.

Eighth. To leave to the Government of the Federation the administration of the Amazonas and Goajira territories and that of the islands which pertain to the nation, until it may be convenient to elevate them to another rank.

Ninth. To reserve to the powers of the Federation all legislative or executive jurisdiction concerning maritime, coastwise, and fluvial navigation, and the national roads, considering as such those that exceed the limits of a State and lead to the frontiers of others and to the Federal district.

Tenth. To not subject to contributions the products or articles upon which national taxes are imposed, or those that are by law exempt from tax before they have been offered for consumption.

Eleventh. To not impose contributions on cattle, effects, or any class of merchandise in transit for another State, in order

that traffic may be absolutely free, and that in one section the consumption of others may not be taxed.

Twelfth. To not prohibit the consumption of the products of other States nor to tax their productions with greater general or municipal taxes than those paid on products raised in the locality.

Thirteenth. To not establish maritime or territorial custom-houses for the collection of imports, since there will be national ones only.

Fourteenth. To recognize the right of each State to dispose of its natural products.

Fifteenth. To cede to the Government of the Federation the administration of mines public lands, and salt mines, in order that the first may be regulated by a system of uniform working and that the latter may be applied to the benefit of the people.

Sixteenth. To respect the property, arsenals, and forts of the nation.

Seventeenth. To comply with and cause to be complied with and executed the Constitution and laws of the Federation and the decrees and orders that the Federal power, the tribunals, and courts may expedite in use of their attributes and legal faculties.

Eighteenth. To give entire faith to and to cause to be complied with and executed the public acts and judicial procedures of the other States.

Nineteenth. To organize their tribunals and courts for the administration of justice in the State and to have for all of them the same substantive civil and criminal legislation and the same laws of civil and criminal procedure.

Twentieth. To present judges for the Court of Appeals and to submit to the decision of this supreme tribunal of the States.

Twenty-first. To incorporate the extradition of criminals as a political principle in their respective Constitutions.

Twenty-second. To establish direct and public suffrage in popular elections, making it obligatory and indorsing it in the electoral registry. The vote of the suffragist must be cast in full and public session of the respective board; it will be inscribed in the registry books that the law prescribes for elections, which can not be substituted in any other form, and the elector, for himself or by another at his request in case of

impediment or through ignorance, will sign the memorandum entry of his vote, and without this requisite it cannot be claimed that in reality he has voted.

Twenty-third. To establish a system of primary education and that of arts and trades.

Twenty-fourth. To reserve to the powers of the Federation the laws and provisions necessary for the creation, conservation, and progress of general schools, colleges, or universities designed for the teaching of the sciences.

Twenty-fifth. To not impose duties upon the national employes, except in the quality of citizens of the State and inso-much as these duties may not be incompatible with the national public service.

Twenty-sixth. To furnish the proportional contingent that pertains to them to compose the national public forces in time of peace or war.

Twenty-seventh. To not permit in the States of the Federation forced enlistments and levies that have or may have for their object an attack on liberty or independence or a disturbance of the public order of the Nation, of other States, or of another Nation.

Twenty-eighth. To preserve a strict neutrality in the contentions that may arise in other States.

Twenty-ninth. To not declare or carry on war in any case, one State with another.

Thirtieth. To defer and submit to the decision of the Congress or the High Federal Court in all the controversies that may arise between two or more States when they cannot, between themselves and by specific measures, arrive at an agreement. If, for any cause, they may not designate the arbiter to whose decision they may submit, they leave it, in fact, to the High Federal Court.

Thirty-first. To recognize the competency of Congress and of the Court of Appeals to take cognizance of the causes that, for treason to the country or for the infraction of the Constitution and laws of the Federation, may be instituted against those that exercise executive authority in the States, it being their duty to incorporate this precept in their Constitutions. In these trials the modes of procedure that the general laws prescribe will be followed, and they will be decided in consonance with those laws.

Thirty-second. To have, as the just income of the States, two-thirds of the total product of the impost collected as transit tax in all the custom-houses of the republic and two-thirds of that collected from mines, public lands, and salt mines administered by the federal power, and to distribute this income among all the States of the federation in proportion to the population of each.

Thirty-third. To reserve to the federal power the amount of the third part of the income from transit tax, the production of mines, public lands, and salt mines, to be invested in the improvement of the country.

Thirty-fourth. To keep far away from the frontier those individuals that, through political motives, take refuge in a State, provided that the State interested requests it.

### TITLE III.

#### *Guarantees of Venezuelans.*

Art. 14. The nation guarantees to Venezuelans:

First. The inviolability of life, capital punishment being abolished in spite of any law that establishes it.

Second. Property, with all its attributes, rights and privileges, will only be subjected to contributions decreed by legislative authority, to judicial decision, and to be taken for public works after indemnity and condemnation.

Third. The inviolability and secrecy of correspondence and other private papers.

Fourth. The domestic hearth, that cannot be approached except to prevent the perpetration of crime, and this itself must be done in accordance with law.

Fifth. Personal liberty, and consequently (1) forced recruiting for armed service is abolished, (2) slavery is forever proscribed, (3) slaves that tread the soil of Venezuela are free, and (4) nobody is obliged to do that which the law does not command, nor is impeded from doing that which it does not prohibit.

Sixth. The freedom of thought, expressed by word or through the press, is without any restriction to be submitted to previous censure. In cases of calumny or injury or prejudice to a third party, the aggrieved party shall have every facility to have his complaints investigated before competent tribunals of justice in accordance with the common laws.

Seventh. The liberty of traveling without passport, to change the domicile, observing the legal formalities, and to depart from and return to the Republic, carrying off and bringing back his or her property.

Eighth. The liberty of industry and consequently the proprietorship of discoveries and productions. The law will assign to the proprietors a temporary privilege or the mode of indemnity in case that the author agrees to its publication.

Ninth. The liberty of reunion and assembling without arms, publicly or privately, the authorities being prohibited from exercising any act of inspection or coercion.

Tenth. The liberty of petition, with the right of obtaining action by resolution; petition can be made by any functionary, authority or corporation. If the petition shall be made in the name of various persons, the first five will respond for the authenticity of the signatures and all for the truth of the assertions.

Eleventh. The liberty of suffrage at popular elections without any restriction except to males under eighteen years of age.

Twelfth. The liberty of instruction will be protected to every extent. The public power is obliged to establish gratuitous instruction in primary schools, the arts and trades.

Thirteenth. Religious liberty.

Fourteenth. Individual security, and, therefore (1) no Venezuelan can be imprisoned or arrested in punishment for debts not founded in fraud or crime; (2) nor to be obliged to lodge or quarter soldiers in his house; (3) nor to be judged by special commissions or tribunals, but by his natural judges and by virtue of laws dictated before the commission of the crime or act to be judged; (4) nor to be imprisoned nor arrested without previous summary information that a crime meriting corporal punishment has been committed, and a written order from the functionary that orders the imprisonment, stating the cause of arrest, unless the person may be caught in the commission of the crime; (5) nor to be placed in solitary confinement for any cause; (6) nor to be obliged to give evidence in criminal causes, against himself or his blood relations within the fourth degree of consanguinity or against his relations by marriage within the second degree, or against husband or wife; (7) nor to remain in prison when the reasons that caused the imprisonment have been dissipated; (8)

nor to be sentenced to corporal punishment for more than ten years; (10) nor to remain deprived of his liberty for political reasons when order is re-established.

Art. 15. Equality: In virtue of which (1) all must be judged by the very same laws and subject to equal duty, service and contributions; (2) no titles of nobility, hereditary honors and distinctions will be conceded, nor employments or offices the salaries or emoluments of which continue after the termination of service; (3) no other official salutation than "citizen" and "you" will be given to employes and corporations.

The present enumeration does not impose upon the States the obligation to accord other guarantees to their inhabitants.

Art. 16. The laws in the States will prescribe penalties for the infractions of these guarantees, establishing modes of procedure to make them effective.

Art. 17. Those who may issue, sign, or execute, or order executed any decrees, orders or resolutions that violate or in any manner infringe upon the guarantees accorded to Venezuelans are culpable and must be punished according to the law. Every citizen is empowered to bring charges.

#### TITLE IV.

##### *Of the National Legislature.*

##### Section I.

Art. 18. The national Legislature will be composed of two chambers, one of Senators and another of Deputies.

Art. 19. The States will determine the mode of election of Deputies.

##### Section II.—Of the Chamber of Deputies.

Art. 20. To form the Chamber of Deputies, each State will name, by popular election in accordance with paragraph 22 of article 13 of this Constitution, one Deputy for each thirty-five thousand inhabitants and another for an excess not under fifteen thousand. In the same manner it will elect alternates in equal number to the principals.

Art. 21. The Deputies will hold office for four years, when they will be renewed in their entirety.

Art. 22. The prerogatives of the Chamber of Deputies are: First, to examine the annual account that the President of the

United States of Venezuela must render; second, to pass a vote of censure of the Ministers of the Cabinet, in which event their posts will be vacant; third, to hear charges against the persons in charge of the office of the national executive for treason to the country, for infraction of the Constitution, or for ordinary crimes; against the ministers and other national employes for infraction of the Constitution and laws, and for fault in the discharge of their duties according to article 75 of this Constitution and of the general laws of the republic. This attribute is preventative and neither contracts nor diminishes those that other authorities have to judge and punish.

Art. 23. When a charge is instituted by a Deputy or by any corporation or individual the following rules will be observed: (1) There will be appointed, in secret session, a commission of three Deputies; (2) the commission will, within three days, render an opinion, declaring whether or not there is foundation for instituting a cause; (3) the chamber will consider the information and decide upon the cause by the vote of an absolute majority of the members present, the accusing Deputy abstaining from voting.

Art. 24. The declaration that there is foundation for the cause operates to suspend from office the accused and incapacitates him for the discharge of any public function during the trial.

### Section III.—Of the Chamber of the Senate.

Art. 25. To form this chamber each State, through its respective Legislature, will elect three principal Senators and an equal number of alternates to supply the vacancies that may occur.

Art. 26. To be a Senator it is required that he shall be a Venezuelan by birth and thirty years of age.

Art. 27. The Senators will occupy their posts for four years and be renewed in their entirety.

Art. 28. It is the prerogative of the Senate to substantiate and decide the causes initiated in the Chamber of Deputies.

Art. 29. If the cause may not have been concluded during the sessions, the Senate will continue assembled for this purpose only until the cause is finished.

### Section IV.—Dispositions of the Chambers in Common.

Art. 30. The national Legislature will assemble on the twentieth day of February of each year, or as soon thereafter as

possible, at the capital of the United States without the necessity of previous notice. The sessions will last for seventy days, to be prolonged until ninety days at the judgment of the majority.

Art. 31. The chambers will open their sessions with two-thirds of their number at least; and, in default of this number, those present will assemble in preparatory commission and adopt measures for the concurrence of the absentees.

Art. 32. The sessions having been opened, they may be continued by two-thirds of those that may have installed them, provided that the number be not less than half of all the members elected.

Art. 33. Although the chambers deliberate separately, they may assemble together in the Congress when the Constitution and laws provide for it, or when one of the two chambers may deem it necessary. If the chamber that is invited shall agree it remains to it to fix the day and the hour of the joint session.

Art. 34. The sessions will be public and secret at the will of the chamber.

Art. 35. The chambers have the right: (1) To make rules to be observed in the sessions and to regulate the debates; (2) to correct infractors; (3) to establish the police force in the hall of sessions; (4) to punish or correct spectators who create disorder; (5) to remove the obstacles to the free exercise of their functions; (6) to command the execution of their private resolutions; (7) to judge of the qualifications of their members and to consider their resignations.

Art. 36. One of the Chambers cannot suspend its sessions, nor change its place of meeting without the consent of the other; in case of disagreement they will reassemble together and execute that which the majority resolves.

Art. 37. The exercise of any other public function, during the sessions, is incompatible with those of a Senator or Deputy. The law will specify the remunerations that the members of the national Legislature shall receive for their services.

And whenever an increase of said remunerations is decreed, the law that sanctions it will not begin to be in force until the following period when the Chambers that sanctioned it shall have been renewed in their entirety.

Art. 38. The Senators and Deputies shall enjoy immunity from the twentieth day of January of each year until thirty days after the close of the sessions and this consists in the suspension

of all civil or criminal proceeding, whatever may be its origin or nature; when anyone shall perpetrate an act that merits corporal punishment the investigation shall continue until the end of the summing up and shall remain in this state while the term of immunity continues.

Art. 39. The Congress will be presided over by the President of the Senate and the presiding officer of the Chamber of Deputies will act as Vice-President.

Art. 40. The members of the chambers are not responsible for the opinions they express or the discourses they pronounce in session.

Art. 41. Senators and Deputies that accept office or commission from the national executive thereby leave vacant the posts of legislators in the chambers to which they were elected.

Art. 42. Nor can Senators and Deputies make contracts with, the general Government or conduct the prosecution of claims of others against it.

#### Section V.—Prerogatives of the National Legislature.

Art. 43. The National Legislature has the following prerogatives: (1) to dissolve the controversies that may arise between two or more States; (2) to locate the Federal District in an unpopulated territory not exceeding three miles square, where will be constructed the capital city of the Republic. This district will be neutral territory, and no other elections will be there held than those that the law determines for the locality. The district will be provisionally that which the constituent assembly designated or that which the National Legislature may designate; (3) to organize everything relating to the custom-houses, whose income will constitute the treasure of the Union until these incomes are supplied from other sources; (4) to dispose in everything relating to the habitation and security of ports and sea coasts; (5) to create and organize the postal service and to fix the charges for transportation of correspondence; (6) to form the National Codes in accordance with paragraph 19, article 13 of this Constitution; (7) to fix the value type law, weight and coinage of national money; (8) to designate the coat-of-arms and the national flag which will be the same for all the States; (9) to create, abolish and fix salaries for national offices; (10) to determine everything in relation to the national debt; (11) to contract loans upon the credit of the nation; (12) to dictate necessary measures to perfect the census of the cur-

rent population and the national statistics; (13) to annually fix the armed forces by sea and land and to dictate the army regulations; (14) to decree rules for the formation and substitution of the forces referred to in the preceding clause; (15) to declare war and to require the National Executive to negotiate peace; (16) to ratify or reject the contracts for national public works made by the President with the approval of the Federal Council, without which requisite they will not be carried into effect; (18) to annually fix the estimates for public expenses; (19) to promote whatever conduces to the prosperity of the country and to its advancement in the general knowledge of the arts and sciences; (20) to fix and regulate the national weights and measures; (21) to grant amnesties; (22) to establish, under the names of territories, special regulations for the government of regions inhabited by unconquered and uncivilized Indians. Such territories will be under the immediate supervision of the Executive of the Union; (23) to establish the modes of procedure and to designate the penalties to be imposed by the Senate in the trials originated in the Chamber of Deputies; (24) to increase the basis of population for the election of Deputies; (25) to permit or refuse the admission of foreigners into the service of the Republic; (26) to make laws in respect to retirements from the military service and army pensions; (27) to dictate the law of responsibility on the part of all national employes and those of the States for infraction of the Constitution and the general laws of the Union; (28) to determine the mode of conceding military rank or promotion; (29) to elect the Federal Council provided for in this Constitution and to convoke the alternates of the Senators and Deputies who may have been chosen for it.

Art. 44. Besides the preceding enumeration the National Legislature may pass such laws of general character as may be necessary, but in no case can they be promulgated, much less executed, if they conflict with this Constitution, which defines the prerogatives of the public powers in Venezuela.

#### Section VI.—Of the Making of Laws.

Art. 45. The laws and decrees of the National Legislature may be proposed by the members of either chamber, provided that the respective projects are conformed to the rules established for the Parliament of Venezuela.

Art. 46. After a project may have been presented, it will be read and considered in order to be admitted; and if it is, it must undergo three discussions, with an interval of at least one day between each, observing the rules established for debate.

Art. 47. The projects approved in the chamber in which they were originated will be passed to the other for the purposes indicated in the preceding article, and if they are not rejected they will be returned to the chamber whence they originated, with the amendments they may have undergone.

Art. 48. If the chamber of their origin does not agree to the amendments, it may insist and send its written reasons to the other. They may also assemble together in Congress and deliberate, in general commission, over the mode of agreement, but if this cannot be reached, the project will be of no effect after the chamber of its origin separately decides upon the ratification of its insistence.

Art. 49. Upon the passing of the projects from one to the other chamber, the days on which they have been discussed will be stated.

Art. 50. The law reforming another law must be fully engrossed and the former law, in all its parts, will be annulled.

Art. 51. In the laws this form will be used: "The Congress of the United States of Venezuela decrees."

Art. 52. The projects defeated in one Legislature cannot be reintroduced except in another.

Art. 53. The projects pending in a chamber at the close of the sessions must undergo the same three discussions in succeeding legislatures.

Art. 54. Laws are annulled with the same formalities established for their sanction.

Art. 55. When the ministers of Cabinet may have sustained, in a chamber, the unconstitutionality of a project by word or in writing, and notwithstanding this, it may have been sanctioned as law, the National Executive, with the affirmative vote of the Federal Council, will suspend its execution and apply to the legislatures of the States, asking their vote in the matter.

Art. 56. In case of the foregoing article, each State will represent one vote expressed by the majority of the members of the legislature present, and the result will be sent to the High Federal Court in this form: "I confirm" or "I reject."

Art. 57. If a majority of the legislatures of the States agree with the Federal Executive, the High Federal Court will con-

firm the suspension, and the Federal Executive himself will render an account to the next Congress relative to all that has been done in the matter.

Art. 58. The laws will not be observed until after being published in the solemn form established.

Art. 59. The faculty conceded to sanction a law is not to be delegated.

Art. 60. No legislative disposition will have a retroactive effect, except in matters of judicial procedure and that which imposes a lighter penalty.

## TITLE V.

### *Of the General Power of the Federation.*

Art. 61. There will be a Federal Council composed of one senator and one deputy for each State and of one more deputy for the Federal District, who will be elected by the Congress each two years from among the respective representations of the States composing the Federation and from that of the Federal District.

This election will take place in the first fifteen days of the meeting of Congress, in the first and third year of the constitutional period.

Art. 62. The Federal Council elects from its members the President of the United States of Venezuela, and in the same manner the person who shall act in his stead in case of his temporal or permanent disability during his term. The election of a person to be President of the United States of Venezuela who is not a member of the Federal Council, as well as of those who may have to act in his stead in case of his temporal or permanent disability, is null of right and void of efficacy.

Art. 63. The members of the Federal Council hold office for two years, the same as the President of the United States of Venezuela, whose term is of equal duration; and neither he nor they can be re-elected for the term immediately succeeding, although they may return to occupy their posts as legislators in the chambers to which they belong.

Art 64. The Federal Council resides in the district and exercises the functions prescribed in this Constitution. It cannot deliberate with less than an absolute majority of all its members; it dictates the interior regulations to be observed in its deliberations, and annually appoints the person who shall preside over its sessions.

Section I.

Art. 65. The prerogatives of the President of Venezuela are: (1) To appoint and remove the cabinet ministers; (2) to preside over the cabinet, in whose discussions he will have a vote, and to inform the Council of all the matters that refer to the General Administration; (3) to receive and welcome public ministers; (4) to sign the official letters to the Sovereigns or Presidents of other countries; (5) to order the execution of the laws and decrees of the National Legislature, and to take care that they are complied with and executed; (6) to promulgate the resolutions and decrees that may have been proposed and received the approbation of the Federal Council, in conformity with article 66 of this Constitution; (7) to organize the Federal District and to act therein as the chief civil and political authority established by this Constitution; (8) to issue registers of navigation to national vessels; (9) to render an account to Congress, within the first eight days of its annual session, of the cases in which, with the approval of the Federal Council, he may have exercised all or any of the faculties accorded to him in article 66 of this compact; (10) to discharge the other functions that the national laws intrust to him.

Art. 66. Besides the foregoing prerogatives, that are personal to the President of the United States of Venezuela, he can, with the deliberate vote of the Federal Council, exercise the following: (1) To protect the nation from all exterior attack; (2) to administer the public lands, mines and salt mines of the States as their delegate; (3) to convoke the National Legislature in its regular sessions, and in extraordinary session when the gravity of any subject demands it; (4) to nominate persons for diplomatic positions, consuls-general, and consuls. those named for the first and second positions must be Venezuelans by birth; (5) to direct negotiations and celebrate all kinds of treaties with other nations, submitting these to the National Legislature; (6) to celebrate contracts of national interest in accordance with the laws and submit them to the legislatures for their approval; (7) to nominate the employes of hacienda, which nominations are not to be made by any other authority. It is required that these employes shall be Venezuelans by birth; (8) to remove and suspend employes of his own free motion, ordering them to be tried if there should be cause for it; (9) to declare war in

the name of the Republic when Congress shall have decreed it; (10) in the case of foreign war he can, first, demand from the States the assistance necessary for the national defense; second, require, in anticipation, the contributions and negotiate the loans decreed by the National Legislature; third, arrest or expel persons who pertain to the nation with which war is carried on and who may be opposed to the defense of the country; fourth, to suspend the guarantees that may be incompatible with the defense of the country, except that of life; fifth, to select the place to which the General Power of the Federation may be provisionally translated when there may be grave reasons for it; sixth, to bring to trial for treason to the country those Venezuelans who may be, in any manner, hostile to the national defense; seventh, to issue registers to corsairs and privateers and to prescribe the laws that they must observe in cases of capture; (11) to employ the public force and the powers contained in numbers 1, 2 and 5 of the preceding clause with the object of re-establishing constitutional order in case of armed insurrection against the institutions of the nation; (12) to dispose of the public force for the purpose of quelling every armed collision between two or more States, requiring them to lay down their arms and submit their controversies to the arbitration to which they are pledged by number 30, article 14 of this Constitution; (13) to direct the war and to appoint the person who shall command the army; (14) to organize the national force in time of peace; (15) to concede general or particular exemptions; (16) to defend the territory designated for the Federal District when there may be reasons to apprehend that it will be invaded by hostile forces.

#### Section II.—Of the Cabinet Ministers.

Art. 67. The President of the United States of Venezuela shall have the ministers for his cabinet that the law designates. It will determine their functions and duties and will organize their bureaus.

Art. 68. To be a minister of the cabinet it is required that the person shall be twenty-five years of age, a Venezuelan by birth or five years of naturalization.

Art. 69. The ministers are the natural and proper organs of the President of the United States of Venezuela. All his acts must be subscribed by them and without such requisite they

will not be complied with nor executed by the authorities, employes, or private persons.

Art. 70. All the acts of the ministers must be conformed to this Constitution and the laws; their personal responsibility is not saved, although they may have the written order of the President.

Art. 71. The settlement of all business, except the fiscal affairs of the bureaus, will be determined in the council of ministers, and their responsibility is collective and consolidated

Art. 72. The ministers, within the five first sessions of each year, will render an account to the Chambers of what they may have done or propose to do in their respective branches. They will also render written or verbal reports that may be requested of them, reserving only that which, in diplomatic affairs, it may not be convenient to publish.

Art. 73. Within the same period, they will present to the National Legislature the estimates of public expenditures and the general account of the past year.

Art. 74. The ministers have the right to be heard in the chambers, and are obliged to attend when they may be called upon for information.

Art. 75. The ministers are responsible: (1) For treason to the country; (2) for infraction of this Constitution or the laws; (3) for malversation of the public funds; (4) for exceeding the estimates in their expenditures; (5) for subordination or bribery in the affairs under their charge or in the nominations for public employes; (6) for failure in compliance with the decisions of the Federal Council.

## TITLE VI.

### *Of the High Federal Court.*

#### Section I.—Of its Organization.

Art. 76. The High Federal Court will be composed of as many judges as there may be States of the federation and with the following qualities: (1) A judge must be a Venezuelan by birth; (2) he must be thirty years of age.

Art. 77. For the nomination of judges of the High Federal Court the Congress will convene on the fifteenth day of its regular sessions and will proceed to group together the representation of each State from which to form a list of as many candidates for principal judges and an equal number of alter-

nates as there may be States of the Federation. The Congress, in the same or following session, will elect one principal and one alternate for each State, selecting them from the respective list.

Art. 78. The law will determine the different functions of the judges and other officers of the High Federal Court.

Art 79. The judges and their respective alternates will hold office for four years. The principals and their alternates in office cannot accept during this period any office in the gift of the executive without previous resignation and lawful acceptance. The infraction of this disposition will be punished with four years of disability to hold public office in Venezuela.

## Section II.—Prerogatives of the High Federal Court.

Art. 80. The matters within the competence of the High Federal Court are: (1) To take cognizance of civil or criminal causes that may be instituted against diplomatic officers in those cases permitted by the law of nations; (2) to take cognizance of causes ordered by the President to be instituted against cabinet ministers when they may be accused according to the cases provided for in this Constitution. In the matter of the necessity of suspension from office, they will request the President to that effect and he will comply; (4) to have jurisdiction of the causes of responsibility instituted against diplomatic agents accredited to another nation for the wrong discharge of their functions; (5) to have jurisdiction in civil trials when the nation is defendant and the law sanctions it; (6) to dissipate the controversies that may arise between the officials of different States in political order in the matter of jurisdiction or competence; (7) to take cognizance of all matters of political nature that the States desire to submit for their consideration; (8) to declare which may be the law in force when the national and State laws may be found to conflict with each other; (9) to have jurisdiction in the controversies that may result from contracts or negotiations celebrated by the President of the federation; (10) to have jurisdiction in causes of imprisonment; (11) to exercise other prerogatives provided for by law.

## TITLE VII

### *Of the Court of Appeals.*

Art. 81. The Court of Appeals referred to in paragraph 20, article 13 of this Constitution, is the tribunal of the States;

it will be composed of as many judges as there are States of the federation, and their terms of office will last for four years.

Art. 82. A judge of the Court of Appeals must have the following qualifications: (1) He must be an attorney at law in the exercise of his profession, and must have had at least six years practice; (2) he must be a Venezuelan, thirty years of age.

Art. 83. Every four years the legislature of each State will form a list of as many attorneys, with the qualifications expressed in the preceding article, as there are States, and will remit it, duly certified, to the Federal Council in order that this body, from the respective lists, may select a judge for each State in the organization of this high tribunal.

Art. 84. After the Federal Council may have received the lists from all the States, it will proceed, in public session, to verify the election; forming thereafter a list of the attorneys not elected, in order that from this general list, which will be published in the official paper, the permanent vacancies that may occur in the Court of Appeals may be filled by lot. The temporary vacancies will be filled according to law.

Art. 85. The Court of Appeals will have the following prerogatives: (1) To take cognizance of criminal causes or those of responsibility that may be instituted against the high functionaries of the different States, applying the laws of the States themselves in matters of responsibility, and in case of omission of the promulgation of a law of constitutional precept, it will apply to the cause in question the general laws of the land; (2) to take cognizance and to decide in cases of appeal in the form and terms directed by law; (3) to annually report to the National Legislature the difficulties that stand in the way of uniformity in the matter of civil or criminal legislation; (4) to dispose of the rivalries that may arise between the officers or functionaries of judicial order in the different States of the federation and amongst those of a single State, provided that the authority to settle them does not exist in the State.

## TITLE VIII.

### *Complémental Regulations.*

Art. 86. The national executive is exercised by the Federal Council, the President of the United States of Venezuela, or the person who fills his vacancies, in union with the cabinet ministers who are his organs.

The President of Venezuela must be a Venezuelan by birth.

Art. 87. The functions of national executive cannot be exercised outside of the federal district except in the case provided for in number 5, paragraph 10, article 66 of the Constitution. When the President, with the approval of the Council, shall take command of the army or absent himself from the district on account of matters of public interest that demand it, he cannot exercise any functions and will be replaced by the Federal Council in accordance with article 62 of this Constitution.

Art. 88. Everything that may not be expressly assigned to the general administration of the nation in this Constitution is reserved to the States.

Art. 89. The tribunals of justice in the States are independent; the causes originated in them will be concluded in the same States without any other review than that of the Court of Appeals in the cases provided for by law.

Art. 90. Every act of Congress and of the national executive that violates the rights guaranteed to the States in this Constitution, or that attacks their independence, must be declared of no effect by the High Court, provided that a majority of the legislatures demands it.

Art. 91. The public national force is divided into naval and land troops, and will be composed of the citizen militia that the States may organize according to law.

Art. 92. The force at the disposal of the federation will be organized from citizens of a contingent furnished by each State in proportion to its population, calling to service those citizens that should render it according to their internal laws.

Art. 93. In case of war the contingent can be augmented by bodies of citizen militia up to the number of men necessary to fill the draft of the national government.

Art. 94. The national government may change the commanders of the public force supplied by the States in the cases and with the formalities provided for in the national military law and then their successors will be called for from the States.

Art. 95. The military and civil authority can never be exercised by the same person or corporation.

Art. 96. The nation, being in possession of the right of ecclesiastical patronage, will exercise it as the law upon the subject may direct.

Art. 97. The government of the federation will have no other resident employes with jurisdiction or authority in the States than those of the States themselves. The officers of hacienda, those of the forces that garrison national forces, arsenals created by law, navy-yards, and habilitated ports, that only have jurisdiction in matters peculiar to their respective offices and within the limits of the forts and quarters that they command, are excepted; but even these must be subject to the general laws of the State in which they reside. All the elements of war now existing belong to the national government; nevertheless it is not to be understood that the States are prohibited from acquiring those that they may need for domestic defense.

Art. 98. The national government cannot station troops nor military officers with command in a State, although they may be from that or another State, without permission of the government of the State in which the force is to be stationed.

Art. 99. Neither the National Executive nor those of the States can resort to armed intervention in the domestic contentions of a State; it is only permitted to them to tender their good offices to bring about a pacific solution in the case.

Art. 100. In case of a permanent or temporary vacancy in the office of President of the United States of Venezuela, the States will be immediately informed as to who has supplied the vacancy.

Art. 101. Exportation in Venezuela is free and no duty can be placed upon it.

Art. 102. All usurped authority is without effect and its acts are null. Every order granted for a requisition, direct or indirect, by armed force or by an assemblage of people in subversive attitude is null of right and void of efficacy.

Art. 103. The exercise of any function not conferred by the Constitution or laws is prohibited to every corporation or authority.

Art. 104. Any citizen may accuse the employes of the nation or the States before the chamber of deputies, before their respective superiors in office, or before the authorities designated by law.

Art. 105. No payment shall be made from the National Treasury for which Congress has not expressly provided in the annual estimate, and those that may infringe this rule will be civilly responsible to the National Treasury for the sums they have paid out. In every payment from the public Treasury the ordinary expenses will be preferred to the extraordinary charges.

Art. 106. The offices of collection and disbursement of the national taxes shall be always separate, and the officers of collection may disburse only the salaries of their respective employes.

Art. 107. When, for any reason, the estimate of appropriations for a fiscal period have not been made, that of the immediately preceding period will continue in force.

Art. 108. In time of elections, the public national force or that of the States themselves will remain closely quartered during the holding of popular elections.

Art. 109. In international treaties of commerce and friendship this clause will be inserted to wit: "All the disagreements between the contracting parties must be decided without an appeal to war, by the decision of a power or friendly powers."

Art. 110. No individual can hold more than one office within the gift of Congress and the National Executive. The acceptances of any other is equivalent to resignation of the first. Officials that are removable will cease to hold office upon accepting the charge of a Senator or Deputy when they are dependents of the national executive.

Art. 111. The law will create and designate other national tribunals that may be necessary.

Art. 112. National officers cannot accept gifts, commissions, honors or emoluments from a foreign nation without permission from the National Legislature.

Art. 113. Armed force cannot deliberate; it is passive and obedient. No armed body can make requisitions nor demand assistance of any kind, but from the civil authorities and in the mode and form prescribed by law.

Art. 114. The nation and the States will promote foreign immigration and colonization in accordance with their respective laws.

Art. 115. A law will regulate the manner in which national officers, upon taking charge of their posts, shall take the oath to comply with their duties.

Art. 116. The national executive will negotiate with the governments of America over treaties of alliance or confederation.

Art. 117. The law of nations forms a part of the national legislation; its dispositions will be specially in force in cases of civil war, which can be terminated by treaties between the

belligerents who will have to respect the humanitarian customs of Christians and civilized nations, the guarantee of life being, in every case, inviolable.

Art. 118. This Constitution can be reformed by the national Legislature if the legislatures of the States desire it, but there shall never be any reform except in the parts upon which the majority of the States coincide; also a reform can be made upon one or more points when two-thirds of the members of the National Legislature, deliberating separately and by the proceedings established to sanction the laws, shall accord it; but, in this second case, the amendment voted shall be submitted to the legislatures of the States, and it will stand sanctioned in the point or points that may have been ratified by them.

Art. 119. This Constitution will take effect from the day of its official promulgation in each State, and in all public acts and official documents there will be cited the date of the Federation to begin with February 20, 1859, and the date of the law to begin with March 28, 1864.

Art. 120. The constitutional period for the offices of the general administration of the Republic will continue to be computed from February 20, 1882, the date on which the reformed Constitution took effect.

Art. 121. For every act of civil and political life of the States of the Federation, its basis of population is that which is determined in the last census approved by the National Legislature.

Art. 122. The Federal Constitution of April 27, 1881, is repealed.

Done in Caracas, in the Palace of the Federal Legislative Corps, and sealed with the seal of Congress on the 9th day of April, 1891. The 28th year of the Law and the 33d year of the Federation.

(Here follow the signatures of the Presidents, Vice-Presidents, and Second Vice-Presidents of the Senate and Chamber of Deputies, together with those of the Senators and Deputies of the various States, followed by those of the President and the ministers of his cabinet.)



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TO

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79. The salaries of the President and Vice-President. — They may not fill any other office, nor receive any other emolument.
80. Their oath of office.
81. Form and time of election of President and Vice-President.
82. Those receiving the majority of all the votes shall be declared elected.
83. In case of tie how decided.
84. How the choice shall be made.
85. Journal of electoral proceedings to be published.
86. Enumeration of the powers of the executive.
87. There shall be five Secretaries of State; they shall sign all acts of the President.
88. Each minister responsible for the acts signed by him.
89. They may not take individual action.
90. They shall submit a report to congress.
91. No minister may be a member of congress at the same time.
92. They may attend congress and take part in the debates.
93. Their salary; it may not be increased or decreased.
94. Judicial power vested in the Supreme Court and such other

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- inferior tribunals as the congress may establish.
  95. The President shall not exercise judicial functions.
  96. The justices of all courts shall hold their offices during good behavior and shall receive a compensation to be fixed by law, which shall neither be increased or diminished during their term of office.
  97. To be eligible as justice of the Supreme Court.
  98. On the first assembling of the Supreme Court the justices shall take an oath to fulfill their duties and administer justice according to the Constitution.
  99. The Supreme Court shall make its own rules and appoint its subordinate employes.
  100. The Supreme Court, its jurisdiction.—Jurisdiction of federal inferior tribunals.
  101. In all the cases and causes mentioned above the Supreme Court shall have appellate jurisdiction, under such rules as congress may prescribe.
  102. The trial of all ordinary crimes, except impeachments shall be by jury.
  103. Treason against the Nation defined.
- Provincial Governments.*
104. The powers of the provinces.
  105. Each province shall have its own local laws, shall elect its Governor, etc.
  106. Each province shall enact its own Constitution.
  107. May conclude partial treaties, etc.
  108. May not exercise any power delegated to the Nation.
  109. No province may declare war against another.
  110. The Governors of the provinces shall be the natural agents of the Federal Government.

## KINGDOM OF BELGIUM.

*Territory and its Divisions.*

## Article

1. Belgium is divided into provinces.
2. Subdivisions may be established by law.
3. Boundaries of the State and its subdivisions changed only by law.
4. How citizenship is acquired or lost.

*Belgians and their Rights.*

5. Naturalization.—How a foreigner may have the same political rights as Belgians.
6. All Belgians are equal before the law.
7. Individual liberty guaranteed.—In regard to prosecution and arrest.
8. No one shall be deprived of the judge whom the law assigns him.
9. Penalties not enforced except by law.
10. The home is inviolable.—No search shall be made except by law.
11. Private property taken for public use shall have just compensation.
12. No confiscation of goods.
13. Civil death abolished.
14. Freedom of religions.
15. No one compelled to observe any form of religious rites, etc.
16. The State not to interfere in religious matters.
17. Public education free.—Repression of crime, how regulated.
18. Freedom of the press.—Editors and printers not prosecuted when the writer is known.
19. The people may assemble peaceably without arms.—Regulation of open air meetings.
20. The right to form associations.
21. The right to petition.

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22. Secrecy of mails inviolable.
23. Any language may be spoken.
24. In regard to bringing suits against public officials.
25. All powers emanate from the nation.
26. How legislative power is exercised.
27. The right of the initiative belongs to each of the three branches of the legislative power.
28. The interpretation of the laws belongs to the legislative power.
29. Executive power vested in the King.
30. Judicial power, how vested.
31. Communal interests.

*The two Houses.*

32. Members of the two Houses represent the nation.
33. The sessions of both Houses shall be public, except.
34. Each House shall judge of the returns and qualifications of its own members.
35. No one may be a member of both Houses at the same time.
36. A member appointed to a salaried position shall cease to exercise a member's functions.
37. Each House to choose its own officers.
38. Legislative action taken only by a majority of votes.—In case of a tie.—A majority necessary to take action.
39. How votes are made.
40. Each House has the right of inquiry.
41. How bills are to be passed.
42. The right to amend.
43. Petitions not to be presented in person.

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44. Members not to be prosecuted nor questioned.
45. In regard to arresting members of either House during its session.
46. Each House to determine by its own rules the methods by which it shall exercise its powers.

*The House of Representatives.*

47. House of Representatives.—How composed and elected.
48. The elections shall be conducted in such divisions of the provinces and precincts as the law shall determine.
49. The number of Deputies and qualifications to be fixed by law.
50. In order to be eligible, it is necessary to be a Belgian by birth or by supreme naturalization.—To have attained the age of twenty-five years.
51. Members of the House of Representatives elected for four years.—In case of dissolution.—Entirely renewed.
52. Salary of the same.

*The Senate.*

53. Election of the Senate.
54. Number of members of the same.
55. Elected for eight years.—In case of dissolution.—Entirely removed.
56. In order to be eligible it is necessary to be a Belgian by birth or by supreme naturalization.—To have attained the age of forty years.
57. Senators receive neither salary nor expenses.
58. Rights of the heir apparent as a Senator.
59. When the Senate may assemble.
60. The constitutional powers of the King.
61. In case of failure of male heirs how successor is to be appointed.
62. King cannot be at the same time chief of another state.

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63. The person of the King inviolable.
64. Acts of the King to be countersigned by a minister.
65. The King shall appoint and dismiss his ministers.
66. He shall make certain appointments.
67. He shall make rules necessary for the execution of the laws, but may not suspend the laws.
68. He shall command the land and naval forces, declare war, make treaties of peace, of alliance, etc.
69. The King shall sanction and promulgate the laws.
70. The time of meeting of the Houses.—They shall be in session for at least forty days.—The King may convoke on extraordinary occasions.
71. He may dissolve the Houses simultaneously or separately.
72. He may adjourn the Houses for one month.
73. He shall have the right to remit or reduce sentences.
74. He shall have the right to coin money.
75. He may confer titles of nobility.
76. He shall confer military titles.
77. The law shall fix the civil list for the duration of each reign.
78. The King shall have only such powers as the Constitution confers upon him.
79. Upon the death of the King the Houses shall assemble without waiting to be summoned.—Until his successor has taken the oath the powers of the King shall be exercised by the ministers in council.
80. The King shall attain his majority at the age of eighteen years.—To take the following oath upon ascending throne.
81. When there shall be a regency.
82. In case the King is found unable to govern.
83. Only one person may be regent, and he shall take the oath prescribed by article 80.

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- 84. Constitution not to be changed during a regency.
- 85. In case of a vacancy of the throne.

*The Ministers.*

- 86. Eligibility of ministers.
- 87. No member of the royal family may be a minister.
- 88. When ministers shall have a voice in the Houses.
- 89. Ministers not to be relieved from responsibility.
- 90. The right of impeachment in the House of Representatives.—The right of judgment in the Court of Appeals.
- 91. Manner of pardoning a minister.

*Judicial Powers.*

- 92. How Deputies shall be tried.
- 93. Disputes in regard to political rights are to be tried by the tribunals.
- 94. Tribunals and civil courts to be established by law only.—No extraordinary commissions or tribunals shall be established.
- 95. The Court of Appeals.—Original jurisdiction only for the trial of ministers.
- 96. The sessions of the tribunals shall be public, except in certain cases.
- 97. Judgment shall be pronounced in public session.
- 98. The jury shall be established in all criminal, political and press offenses.
- 99. Justices of the peace and judges of tribunals.—How named.—Other judicial officers appointed by the King.
- 100. Judges appointed for life.—Manner of depriving a judge of his place.
- 101. Appointment and dismissal of Representatives.
- 102. Salaries of members of the judicial class.
- 103. Judges may not accept any salaried appointment.
- 104. Three Courts of Appeal.—Their jurisdiction.

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- 105. Military tribunals, their rights, powers and obligations.
- 106. Questions of jurisdiction decided by Court of Appeals.
- 107. Administrative orders.—How enforced.

*Provincial and Communal Institutions.*

- 108. The provincial and communal institutions shall be regulated by law.
- 109. In regard to printing of records and keeping the registers.

*Finances.*

- 110. In regard to State, provincial and communal taxes.
- 111. All State taxes shall be voted annually.
- 112. No privilege or exemption in the matter of taxes.
- 113. No contribution shall be demanded of the citizens except in the form of taxes.
- 114. In regard to pensions, etc., from the public treasury.
- 115. Each year the Houses shall vote the budget.
- 116. The Court of Accounts.—Its duties.
- 117. The salaries and pensions of ministers of religion.

*The Army.*

- 118. How the army is recruited.
- 119. The number of the army shall be determined by law.
- 120. The armed police.
- 121. No foreign force admitted into the service of the State.
- 122. The militia shall choose its officers as high as captain.
- 123. In regard to the mobilization of the militia.
- 124. How members of the militia shall be deprived of their rank, etc.
- 125. The Belgian national colors and arms.
- 126. Bruxelles, the capital and seat of government.
- 127. No oath can be imposed except by law.
- 128. Foreigners.—The protection of their person and property.

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129. When laws, orders, etc., shall be obligatory.
130. The Constitution can neither be suspended in whole nor in part.
131. What is done, when it is deemed necessary to revise the constitutional provisions.
132. In choosing the chief of the State for the first time.

*General Dispositions.*

133. Foreigners may be considered Belgians by birth by conforming to certain requirements.
134. The House of Representatives shall have discretionary power in accusing a minister.
135. The personnel of the courts and tribunals.
136. The first appointment of the members of the Court of Appeals.
137. The law of the 24th of August, 1815, is abolished.

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138. When the Constitution goes into effect all laws, rules, etc., contrary thereto are abrogated.
139. Congress shall take action by separate laws in the following matters.
  1. The press.
  2. The organization of the jury.
  3. Finances.
  4. Provincial and communal organizations.
  5. Responsibility of ministers and other executive agents.
  6. Organization of the judiciary.
  7. Revision of the pension list.
  8. Proper measures to prevent the abuse of the plurality of offices.
  9. Revision of legislation concerning bankruptcies and reprieves.
  10. The organization of the army, the rights of promotion and retirement and the penal military codes.
  11. The revision of the codes.

EMPIRE OF BRAZIL.

TITLE I.

*Of the Empire of Brazil, its Territory, Government, Dynasty and Religion.*

Article

1. The Empire of Brazil is the political association of all Brazilian citizens. They form a free and independent nation.
2. How its territory is divided.
3. Its government is monarchical — hereditary, constitutional and representative.
4. The ruling dynasty is that of Senhor D. Pedro I.
5. The religion of the Empire. Other religions permitted.

TITLE II.

*Of Brazilian Citizens.*

6. Who are Brazilian citizens.
7. When he loses his right as a Brazilian citizen.
8. What the exercise of political rights is suspended for.

TITLE III.

*Of Powers and National Representation.*

Article

9. The chief conservator of the rights of the people is the division of political power.
10. Enumeration of the political powers recognized by the Constitution of the Empire of Brazil.
11. The representatives of the Brazilian nation, consists of whom.
12. All these powers in the Empire of Brazil are delegations of the nation.

TITLE IV.

*Of the Legislative Power.*

Chapter I.

13. The legislative power is delegated to the General Assembly with the sanction of the Emperor.

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14. Of what the General Assembly is composed.
15. The functions of the General Assembly.
16. How each of the chambers shall be addressed.
17. Each Legislature shall last for four years; each annual session four months.
18. Day of the Imperial opening session.
19. The Imperial closing session.
20. Its ceremonial and that of the notification of the Emperor shall be according to the rules for its internal government
21. The nomination of the respective presidents, vice-presidents, and secretaries of the chambers.
22. Who shall preside at the meeting of the two chambers.
23. No session can be held in either of the two chambers, unless.
24. The sessions of both chambers shall be public, unless.
25. Questions to be decided by absolute majority of votes.
26. Members of each of the chambers are violable for opinions expressed in the exercise of their functions.
27. No Senator or Deputy during the term of his office may be arrested, except.
28. In case sentence be pronounced upon any senator or deputy.
29. Senators or deputies may be appointed ministers or counselors of State.
30. They may also combine the two functions when either of the positions mentioned is held at the time they are elected.
31. No one can be a member of both chambers at the same time.
32. When the exercise of any other office with the exception of that of counselor of State and minister of State ceases.
33. In the interval between the session of the Assembly.
34. In case it becomes necessary

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that a senator or deputy should go upon another commission respecting the chamber.

**Chapter II.**

*Of the Chamber of Deputies.*

35. The chamber of deputies is elective and temporary.
36. In regard to imposts, recruiting and the choice of a new dynasty.
37. Other measures which shall begin in the Chamber of Deputies.
38. It is an initiative attribute of the same chamber to bring accusation against ministers and counselors of State.
39. Salary of the deputies. To be reimbursed for the expenses of their journeys.

**Chapter III.**

*Of the Senate.*

40. Of whom the senate is composed.
41. Number of senators to be furnished by each province. In case the number is odd.
42. In case of a province that has but one deputy.
43. How elections are to be held.
44. In case the places of senators become vacant.
45. Qualifications necessary to become a senator.
46. The princes of the Imperial house are senators by right.
47. Enumeration of the exclusive functions of the Senate.
48. Who shall bring complaint in the judgment of crimes in which the accusation is not the duty of the Chamber of Deputies.
49. When the session of the Senate shall begin.
50. The meeting of the Senate at any other time than during the sessions of the Chamber of Deputies is illegal and null, except.
51. The salaries of the senators.

Chapter IV.

*Of the Proposition, Discussion, Sanction and Promulgation of Laws.*

Article

52. The proposal, opposition and adoption of bills belong to each of the chambers.
53. The executive power makes through its ministers its proposals for the enactment of laws. When a proposal can become a bill.
54. Only senators and deputies to vote on the proposition.
55. In case the Chamber of Deputies adopts a bill.
56. If it cannot adopt the proposal.
57. Formula for sending propositions by the Chamber of Deputies to the Senate. The Chamber of Deputies admits and approves.
58. In case the Senate does not adopt the bill entirely.
59. In case the Senate after deliberation decides that it cannot pass the proposition.
60. Custom to be followed by the Chamber of Deputies.
61. In case the Chamber of Deputies does not approve the amendments or additions of the Senate or vice versa.
62. In case on the conclusion of the discussion either of the two chambers fully adopts the bill sent by the other chamber.
63. How this remittance shall be made.
64. In case the Emperor refuses to give his consent.
65. Effect of this refusal.
66. The Emperor shall give or refuse his sanction to each decree within a month from the time it is presented.
67. In case he does not give it within the time specified.
68. How the Emperor shall express himself in case he adopts the bill of the General Assembly.

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69. The formula in which the law shall be promulgated.
70. After the law is signed by the Emperor, referred to the Secretary of State and sealed.

Chapter V.

*Of the Councils-General of a Province and of their Functions.*

71. The Constitution recognizes and guarantees the right of every citizen.
72. How this right shall be exercised by the chamber of districts and by the councils.
73. Of how many members the Councils-General shall consist.
74. Time and place at which the province's election shall take place.
75. Qualifications necessary for a member of the Councils.
76. Where its meeting shall be held.—When they shall nominate a President, Vice-President, etc.
77. Every year there shall be a session, which shall last two months.—May be prorogued longer, provided.
78. Number necessary to be present to hold a session.
79. Who cannot be elected members of the Council-General.
80. The President of the province at the opening of the Council-General.
81. Chief objects of these Councils.
82. In regard to affairs which should begin in the chambers.—How their decisions will be determined.
83. Bills which cannot be either proposed or discussed in these Councils.
84. Where the resolutions of the Councils-General of a province shall be sent.
85. In case the General Assembly is at this time in session.
86. If the General Assembly is not in session at this time.
87. In case these circumstances do not exist.

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88. When the General Assembly meets these suspended resolutions.
89. The manner of conducting the Councils-General.

## Chapter VI.

*Of Elections.*

90. In regard to the nominations of the Deputies and Senators for the General Assembly.
91. The following persons have votes in these primary elections.
92. The following persons are excluded from voting in the parochial assemblies.
93. Those who cannot vote in primary parochial elections cannot be members or vote on the nomination of any elective authority.
94. In regard to those who can vote in the parochial assembly.
95. All those who may be electors are qualified to be nominated as deputies, excepting:
96. Those who are eligible as senators or deputies.
97. The method of elections shall be fixed by a regulating law.

## TITLE V.

*Of the Emperor.*

## Chapter I.

*Of the Moderating Power.*

98. The moderating power is the key to the whole political organization.
99. The person of the Emperor is inviolable and sacred.—His responsibility.
100. Enumeration of the titles of the Emperor.
101. The Emperor exercises the moderating as follows:

## Chapter II.

*Of the Executive Power.*

102. The Emperor is the chief of the executive power and exercises it through his ministers of State.

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103. The oath of the Emperor.
104. The Emperor cannot go out of the Empire of Brazil without the consent of the General Assembly. In case he does so.

## Chapter III.

*Of the Imperial and its Dowery.*

105. Title of the presumptive heir of the Empire. Title of his first born son, etc.
106. The oath of the heir presumptive on completing fourteen years of age.
107. Dowery of the Emperor and Empress.
108. The dowery assigned to the present Emperor and his august spouse shall be increased.
109. The General Assembly to make provisions for the Prince Imperial and the other Princes as soon as they may be born.
110. How the tutors of the Princes shall be chosen and appointed.
111. Tutors required to report at the first session of the Legislature the State of advancement of their august pupils.
112. When the princesses are about to marry.
113. To the princes who may marry and go and live outside the Empire.
114. The endowments, allowances, and portions above mentioned shall be paid by the public treasury.
115. In regard to the palaces and national lands now belonging to Sr. D. Pedro I.

## Chapter IV.

*Of the Succession of the Empire.*

116. Sr. D. Pedro I, shall always rule in Brazil.
117. In regard to his legitimate offspring.
118. In case the lines of the legitimate descendants of Sr. D. Pedro I, being extinct during the life of the last descendant and in his reign.

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119. No foreigner can succeed to the crown of the Empire of Brazil.
120. In regard to the marriage of the princess presumptive heir to the crown.

Chapter V.

*Of the Regency During the Minority or Impediment of the Emperor.*

121. The Emperor is a minor until he is 18 years of age.
122. How the Empire shall be governed during his minority.
123. In case the Emperor has no relative who combines these qualities by whom the Empire shall be governed.
124. How the Empire shall be governed during the time in which the regency is not elected.
125. In case of the death of the ruling Empress this regency shall be presided over by her husband.
126. In case the Emperor should become unfit to govern.
127. The regent and the regency shall take the oath mentioned in article 103.
128. The acts of the regency and of the regent shall be dispatched in the name of the Emperor by the following formula.
129. Neither the regency nor the regent shall be responsible.
130. Who shall be the tutor of the successor to the crown during the minority.

Chapter VI.

*Of the Ministry.*

131. There shall be different departments of State. The law shall designate their number.
132. Ministers of State to counter-sign or sign all the acts of the executive power.
133. The responsibility of the Ministers of State.
134. A particular law shall specify the nature of these offenses and the manner of proceeding against them.

Article

135. The order of the Emperor, whether verbal or written does not relieve the ministers from responsibility.
136. Foreigners cannot be Ministers of State.

Chapter VII.

*Of the Council of State.*

137. There shall be a council of State composed of life Counselors appointed by the Emperor.
138. Their number shall not exceed ten.
139. The Ministers of State are not included in this number.
140. Qualities required to become a Counselor of the State.
141. Before assuming office the counselors of State shall take of the Emperor the oath.
142. Affairs in which the counselors shall be heard.
143. Responsibilities of the Counselors of State.
144. Princes to belong to the Council of State.

Chapter VIII.

*On the Military Force.*

145. All Brazilians are under obligations to take up arms.
146. The land and military force.
147. The military force is essentially obedient; it can never come together, unless so ordered.
148. The employment of an armed land and sea force belongs to the executive power.
149. The officers of the army and navy cannot be deprived of their commissions, except.
150. A special ordinance shall regulate the organization of the army of Brazil.

TITLE VI.

*Of the Judicial Power.*

Chapter I.

*Of the Judges and Tribunals of Justice.*

151. The judicial power is independent. Of whom composed.

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- 153. The jurymen decide upon fact and the judges apply the law.
- 153. The judges of the law are perpetual.—Can be moved from place to place.
- 154. The Emperor may suspend them, provided.
- 155. These judges can lose their places only by sentence.
- 156. Responsibility of judges and officials of justice.
- 157. When suits may be brought against the judges.
- 158. Who to judge the cases in the second and last instance.
- 159. In criminal cases the examination of witnesses shall be public.
- 160. In civil suits and in penal cases brought civilly the parties may appoint arbitrating judges.
- 161. No suit to be begun, unless.
- 162. To this end there shall be judges of the peace who shall be elected the same as the aldermen.—Their duties and districts will be regulated by law.
- 163. The Supreme Court of Justice; of whom composed.
- 164. The duty of this court.

## TITLE VII.

*Of the Administration and Economy of the Provinces.*

## Chapter I.

*Of the Administration.*

- 165. There shall be in each province a president appointed by the Emperor.
- 166. The law shall designate his attributes, fitness and authority.

## Chapter II.

*Of the Chambers.*

- 167. In all cities and towns now existing and those that may be created there shall be chambers for the economic and municipal government of cities and towns.

## Article

- 168. The chambers shall be elective; of whom composed; who to be president.
- 169. The exercise of their municipal functions shall be fixed by law.

## Chapter III.

*Of the National Finances.*

- 170. The receipt and expenditure of the national finances shall be intrusted to a tribunal under the name of the National Treasury.
- 171. All taxes to be fixed by the General Assembly, except.
- 172. Duties of the Ministers of the Treasury.

## TITLE VIII.

*Of the General Dispositions and Guarantees of the civil and political Rights of Brazilian Citizens.*

- 173. Duty of the General Assembly at the beginning of its session.
- 174. In regard to the amendment of the Constitution.
- 175. The proposition shall be read three times at intervals of six days between the readings.
- 176. After the necessity of the amendment of the article is recognized a law shall be passed.
- 177. At the first session of the next Legislature the matter shall be brought forward and discussed.
- 178. In regard to those things which pertain to the Constitution; in regard to changing that which is not constitutional.
- 179. The inviolability of the civil and political rights of Brazilians based upon liberty, individual security and property, is guaranteed by the Constitution and the Empire in the following manner.

*Laws of August 12, 1834.*

- 1. In regard to the right recognized and guaranteed by article 71

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- of the Constitution. The authority of the Legislative Assembly.
2. Number of members of each of the provincial legislative assemblies. Number subject to alteration.
  3. The general legislative power may decide upon the organization of a second legislative chamber.
  4. In regard to the election of these assemblies. When they shall proceed in each of the provinces to the election of the members of their first provincial legislative assemblies.
  5. Where the first meeting shall be held; where subsequent ones may be held.
  6. In regard to the appointment of the respective presidents, vice-presidents and secretaries.
  7. Every year there shall be a session which shall last two months with the power of being prorogued when the president may think it necessary.
  8. The president of the province shall be present at the opening of the provincial assembly; when the same shall take place; duty of president.
  9. In regard to articles 81, 83, 84, 85, 86, 87, and 88 of the Constitution.
  10. It is the function of the same assemblies to legislate upon the following.
  11. The duty of the provincial legislative assemblies.
  12. Subjects upon which the provincial assemblies shall not legislate.
  13. In regard to the laws and resolutions of the provincial legislative assemblies relating to specified objects in articles 10 and 11. The laws that are excepted.
  14. In case that the president feels that he ought to sanction a law or resolution it is to be done in the following formula.

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15. In case the president wishes to refuse his sanction.
16. In case the president refuses his sanction from understanding that the bill conflicts with the right of some other province.
17. If at this time the General Assembly is not in session and if the government thinks that the bill ought to be sanctioned, how done.
18. When the law or resolution is sanctioned the president shall order it published as follows:
19. The president shall give or refuse his sanction within ten days. In case he does not give it within that time.
20. The president of the province shall send to the General Assembly and to the general government authentic copies of all the legislative provincial acts that may have been promulgated.
21. The members of the provincial assemblies shall be inviolable for opinions expressed in the exercise of their functions.
22. Salary of the provincial assemblies; annual indemnity for expenses in going and coming; subsidy and the indemnity to be determined by the president.
23. In regard to the members of the provincial assemblies who may be public employees.
24. Besides the functions which attach by law to the presidents of the provinces they have the power also as follows:
25. In case the doubt regarding the intelligibility of any article of this amendment.
26. How the Empire shall be governed during the minority of the Emperor should he have no relative who combines the qualities required by article 122.
27. By whom this election shall be held.
28. The President of the Senate upon receiving the reports of all

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the colleges shall open them in joint session of the General Assembly and shall have the votes counted; the citizen who receives a majority shall be regent; in case of a tie.

29. The general government shall fix the same day for this election in all the provinces of the Empire.
30. In case the regent does not enter upon his duties.
31. The ruling regent shall govern until the regent treated of in article 26 shall have been elected.
32. The Council of State treated of in title V, chapter VII of the Constitution is hereby abolished.

*Laws of the 12th of May, 1840, Interpreting some amendments of the Constitution.*

1. In regard to the word municipal in article 10, paragraph 4 of the additional act.

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2. In regard to the ability to create and suppress municipal and provincial offices conceded to the provincial assemblies by paragraph 7 of article 10.
3. In regard to whom paragraph 11 of article 10 refers to.
4. The word magistrate in article 11, paragraph 7 of the additional act does not refer to the members of the superior courts and tribunals.
5. In regard to the suspension and dismissal of the magistrates.
6. The decree of suspension or dismissal should contain the following:
7. In regard to article 16 of the additional act.
8. The provincial laws that may conflict with the interpretation given in the preceding article are not to be regarded as repealed, unless.

## UNITED STATES OF BRAZIL.

## CHAPTER I.

*Federal Organization.*

## Article

1. The indissoluble union.
2. Each of the former province shall constitute a State, and the former municipal district shall form the Federal District, continuing to be the capital of the Union, until the Congress shall otherwise determine.
3. The States shall have the right to incorporate themselves with one another, subdivide themselves with the consent of the respective local Legislatures.
4. Each State shall, at its own expense, provide for the needs of its own government.
5. The Federal government shall

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- not interfere in matters pertaining peculiarly to the States.
6. It is the exclusive prerogative of the Union to decree.
7. In regard to preferences in favor of the ports of any of the States against those of others by means of commercial or fiscal regulations.
8. The States alone are competent to decree taxes.
9. The States are forbidden to tax in any way the acts, institutions or service established by the government of the Union.
10. It is forbidden to the States as well as to the Union.
11. In regard to the authority of the government of the Union in

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matters which concern concurrently the government of the Union, and those of the States.

12. In regard to sources of revenue.
13. The right of the Union and of the States to legislate in regard to railways, etc., to be regulated by law of the National Congress.
14. In regard to the land and naval forces.
15. In regard to the legislative, executive and judicial powers.

*General Provisions.*

16. The legislative power is vested in the National Congress.—Of whom composed.—The election of the Senators, etc.
17. Where the Congress shall assemble.—Length of session.—Date of opening, etc.—In case of vacancy.
18. The Chamber and the Senate shall hold their sessions apart, and in public, unless.—The rules of the two chambers.
19. Each of the chambers shall choose a presiding officer, organize its own government, etc.
20. The Deputies and Senators can not be held to account for their opinions, etc., in the discharge of their mandate.
21. When Deputies or Senators can be arrested or prosecuted.
22. The members of the two chambers shall take a formal obligation to perform their duties faithfully.
23. In regard to the pecuniary emolument of the Senators and Deputies.
24. Members of Congress shall not receive from the executive power any salaried office or commission, except.
25. The following are the conditions of eligibility for election to the National Congress.
26. The following persons are eligible to the National Congress.

CHAPTER II.

*The Chamber.*

Article

27. Of whom the Chamber is composed.—When a census of the population shall be taken.
28. In regard to legislation touching the levying of duties, disposition of the land and naval forces.

CHAPTER III.

*The Senate.*

29. Of whom the Senate is composed.—How chosen.
30. The term of the Senators.—In case of a parity of votes.—The term of a Senator elected in the place of another.
31. The Vice-President shall be the president of the Senate.
32. The Senate alone has the power to try and sentence the President of the Republic.

CHAPTER IV.

*Powers of the Congress.*

33. The National Congress shall have exclusive power in the following enumerated cases.
34. It belongs likewise to the Congress, but not exclusively.

CHAPTER V.

*Laws and Resolutions.*

35. All bills may originate in the Chamber or in the Senate, except.
36. A bill, after being passed in one of the chambers, shall be submitted to the other.—In regard to a veto.—In case of his failure to return the bill within ten days.
37. In regard to a bill from one chamber amended by another.—In a contrary case.—If the alterations be rejected by such vote.
38. Bills finally rejected or not approved.

SECTION II.

CHAPTER I.

*The President and Vice-President.*

39. The executive power is exercised by the President of the United

## Article

States of Brazil.—The Vice-President.—In case of vacancy in the Vice-Presidency.—The following are the conditions of eligibility to the Presidency or Vice-Presidency of the Republic.

40. The President's term of office.—In regard to the Vice-President who shall fill the Presidency during the last three years of the Presidential term.—When the first Presidential term shall expire.
41. On taking possession of his office the President shall take the following affirmation.
42. The President and the Vice-President shall not leave the Territory without the permission of Congress.
43. The salary of the President and Vice-President.

## CHAPTER II.

*Election of President and Vice-President.*

44. How the President and Vice-President are chosen.
45. When the election for President and Vice-President shall be held throughout the Republic.—In regard to the electors and their votes.
46. The joint session of the two houses shall be considered as constituted for the purpose of verifying the election of the President and Vice-President, unless.

## CHAPTER III.

*The Powers of the Executive.*

47. To the President of the Republic belongs the exclusive right to sanction, promulgate and make public the laws, to choose and dismiss at will the cabinet officers, etc.
48. In regard to the ministers of State.
49. The cabinet ministers shall not exercise any other employment or function of a public nature, nor be eligible to the Presidency or Vice-Presidency.

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50. The cabinet ministers shall not appear at the sessions of the Congress, and shall communicate with that body only in writing, or by personal conference with the committees of the chamber.
51. Responsibility of the cabinet ministers.

## CHAPTER V.

*Responsibility of the President.*

52. The President shall be brought to trial and judgment in the Federal Supreme Court.—In case of common crimes.
53. The crimes of responsibility on the part of the President of the Republic are as follows.

## SECTION III.

*The Judiciary.*

54. The judicial power of the Union shall be lodged in the Federal Supreme Court and as many inferior courts as the Congress may create.
55. Of whom the Federal Supreme Court shall be composed.
56. The term of office of the Federal justices.—Their salaries.—The Senate shall try the members of the Federal Supreme Court.
57. The Federal Courts shall choose their presidents from among their own members.—The Attorney-General.—How appointed.
58. The duty of the Federal Supreme Court.
59. The duty of the Federal Court.
60. In regard to the decisions of the State Courts or tribunals in matters wherein their competence shall put an end to the suits and questions, except.
61. The power of the State Courts to intervene in questions submitted to the Federal tribunals.

## CHAPTER II.

*The States*

62. Each State shall be governed by the constitutional laws which

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it shall adopt.—They must observe the following rules.

63. In regard to the distribution to the States of wild lands.
64. The right of the States.
65. What is forbidden to the States to do.
66. In regard to the Federal District.—How governed.—The organization of the same.

CHAPTER III.

*The Municipality.*

67. With respect to municipal government, the States, by their own laws, shall be organized on the following basis.

CHAPTER IV.

*Brazilian Citizenship.*

69. The following are Brazilian citizens.
70. Citizens more than twenty-one years of age and registered according to law, shall be electors.—Those who shall not be registered as electors.
71. The rights of the Brazilian citizen can be suspended or lost only in the following cases.

SECTION II.

*Declaration of Rights.*

72. The Constitution of Brazilians and foreigners residing in the country, the inviolability of their rights, touching individual liberty, and security, and property, in the following terms.
73. In regard to public offices, civil or military.
74. In regard to officers of the army and navy.—The enumeration of the rights and guarantees expressed in the Constitution does not exclude other guarantees and rights.

CHAPTER V.

*General Provisions.*

76. The citizen vested with the functions of either of these three powers shall not exercise those of another.

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77. In regard to any part of the territory of the Union in state of siege.
78. In regard to criminal cases and trials.
79. The responsibility of public officers.
80. Until revoked, the laws of the ancient regime remain in force, provided.
81. The payment of the public debt.
82. In regard to military service in defense of the country.
83. Recruiting for military service abolished.—The army and navy.—How made up.
84. In no case shall the United States of Brazil engage in a war of conquest.
85. The amendment of the Constitution.

*Temporary Provisions.*

1. In regard to the election of both chambers of the first National Congress.
2. The acts of the Provisional Government, as far as they are not contrary to the Constitution, shall be laws of the Republic until revoked by Congress.
3. In regard to the State which shall not have adopted its Constitution by the end of the year 1892.
4. In regard to the States that have been organized.
5. The Federal Government shall open special credits with the States during the organization of their services.
6. The classification of the revenues shall enter into force within two years from the approval of the Constitution by the first Congress.
7. In regard to the first appointments for the Federal magistracy.
8. In the first organization of their respective magistracies the States shall enter by preference the present courts of first and second instance.

## Article

9. Members of the Supreme Tribunal of Justice not admitted to the Federal Supreme Court shall be retired with their salaries.
10. In regard to judges of the higher and law courts who shall lose their positions.
11. In regard to the expenses of the present courts before the States shall be constitutionally organized.

## Article

12. Until the regulations for the drawing for lots for military service shall be established, the army and naval forces shall be made up by enlistment.
- We order, then, all the authorities to whom the recognition and execution of this decree belongs to execute and have executed and observed the said decree in all its provisions.

## REPUBLIC OF COLOMBIA.

## PREAMBLE.

## TITLE I.

*Of the Nation and Territory.*

## Article

1. The Colombian nation a centralized republic.
2. Sovereignty exclusively in the nation.
3. Boundaries.
4. National territory.
5. I-III.—Formation of new departments.
6. Changing the present limits of departments.
7. Divisions within the limits of the departments.

## TITLE II.

*Of the Inhabitants; Native and Foreign.*

8. I-III.—Who are Colombian citizens.
9. Forfeiture of Colombian citizenship.
10. Duty of residents of Colombia.
11. Rights of foreigners.
12. Special rights of resident foreigners.
13. Punishment of Colombians taking arms against Colombia.—Naturalized and resident foreigners not obliged to fight against their native country.
14. Rights of societies and corporations.
15. Who are citizens.
16. I-V.—Loss and restoration of citizenship.

## Article

17. Suspension of the rights of citizenship.
18. Requirements for exercise of franchise, and for office holding.

## ARTICLE III.

*Of Civil Rights and Society Guarantees.*

19. Protection of all residents.
20. Private persons answerable to the authorities.—Also public officers.
21. No exemption from responsibility for violation of the Constitution.—Exception in case of soldiers in active service.
22. Slavery prohibited.
23. Freedom from search and unwarranted imprisonment.
24. Arrest of persons taken in flagrante delicto.
25. Freedom from testifying against one's self or relatives.
26. Rights of accused in trial.
27. I-III.—Right to punish without trial.
28. Freedom from ex post facto punishment.—Arrest and detention by government order.
29. Death penalty.
30. Political offenses.
31. Disavowment of religious rights by later laws.—Private interest and public welfare.—Indemnity for expropriations.
32. Deprivation and alienation of property in time of peace.

Article

33. Expropriation without indemnity in time of war.
34. Punishment by confiscation forbidden.
35. Patents and copyrights.—Copyright of books published in a Spanish country.
36. Donations for charity or public instruction.
37. Transfer of property.—Irredeemable obligations.
38. The national religion.—No established church.
39. Freedom of religious belief.
40. Free exercise of all Christian forms of worship.—Punishment of acts opposed to public morals.
41. Public education.—Free primary education.
42. Freedom of press.—Foreign support of press.
43. Inviolability of correspondence.—Taxation of printed mail matter.
44. Freedom in exercise of occupation.—Government inspection of industries.—Legal requirements in case of medical profession.
45. Right of petition.
46. Right of assembly.
47. Right of association.—Prohibition of popular political organizations.—Religious associations.
48. Government monopoly in manufacture, etc., of munitions of war.—Right to carry arms.
49. Rights of corporations.
50. Determination of civil status of all persons.
51. Responsibility of public officers for invasion of rights.
52. The civil code.—Alteration of the above provisions.

TITLE IV.

*Of the Relations Between Church and State.*

53. Powers of the Catholic church.
54. Priests prohibited from holding political office.
55. Freedom of church edifices, etc., from taxation.
56. Agreements with the Apostolic See.

TITLE V.

*Of the National Powers and the Public Service.*

Article

57. Limitation of public authorities.
58. Legislative power.—Congress of two houses.
59. Executive power.—President and ministers.
60. Judicial power.—Supreme and lower courts and Senate.
61. Incompatibility of functions.
62. Decisions in cases of incompatibility.—Promotions and retirements.—Pensions.
63. No office without defined duties.
64. No person allowed to receive more than one salary from the treasury.
65. Oath before entering office.
66. Gifts to officers from foreigners.
67. Foreign employment or commissions.

TITLE VI.

*Of the Assembling and Functions of Congress.*

68. Biennial sessions of congress.—Date and place of assembling.—Length of session.
69. Public opening and closing of congress.
70. Quorum.—President to open the session.
71. Fines upon absent members.
72. Extra sessions.
73. Right to meet away from the capital.
74. Joint session of the two houses.—Officers on such occasions.
75. Illegal sessions.
76. I-XXII.—Enumeration of powers of congress.
77. Election of the Designado.
78. I-VI.—Prohibitions on congress.

TITLE VII.

*Of the Enactment of Laws.*

79. Right to initiate laws.
80. I-II.—Exceptions to provisions of article 79.
81. I-III.—Process of formation of laws.
82. Presence of a majority of members necessary before debate is closed or vote taken.

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- 83. Participation of government in legislative debates.
- 84. Participation of judges of Supreme Court in legislative debates.
- 85. Approval and promulgation of laws.
- 86. Veto by the President.
- 87. Consideration of vetoed bills.
- 88. Passage over the President's veto.
- 89. Approval and promulgation of laws by the President of Congress.
- 90. Unconstitutional bills.—Decision by Supreme Court.
- 91. Bills left pending.
- 92. Enacting clause.

## TITLE VIII.

*Of the Senate.*

- 93. Number of Senators.
- 94. Qualifications of Senators.
- 95. Term of office.—Renewal of the Senate by thirds.
- 96. Trial of impeachments.
- 97. I-IV.—Rules in such trials.
- 98. I-IX.—Powers of the Senate.

## TITLE IX.

*Of the House of Representatives.*

- 99. Number of Representatives.
- 100. Qualifications of Representatives.
- 101. Term of office.
- 102. I-V.—Powers of the House of Representatives.

## TITLE X.

*Provisions Common to Both Houses and to the Members Thereof.*

- 103. I-IX.—Powers of each house.
- 104. Public sessions.
- 105. Duty of members.
- 106. Immunity of debate.
- 107. Freedom from arrest.
- 108. Enumeration of persons not eligible for election to Congress.
- 109. Appointment of congressmen to office.
- 110. Contracts between congressmen and the government.
- 111. Division of traveling expenses when members vacate their seats.

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- 112. Increase of pay of congressmen.
- 113. Vacancy of congressmen's seats.

## TITLE XI.

*Of the President and Vice-President of the Republic.*

- 114. Election and term of President.
- 115. Qualifications of President.
- 116. Oath of office.
- 117. Taking possession of office by President.
- 118. I-VIII.—Powers of President in relation to legislative department.
- 119. I-VI.—Powers of President in relation to judicial department.
- 120. I-XXI.—Powers of President as chief executive.
- 121. Declaration of a state of siege.—Powers of President in such cases.—Re-establishment of public order.—Statement of President to Congress.
- 122. I-III.—Cases of responsibility of Chief Executive.—Penalty, if convicted.—Signatures of ministers to acts of President.
- 123. Temporary absence of President.
- 124. Duties of Vice-President in case of absence of President.—What constitutes permanent absence of President.
- 125. Absence of both President and Vice-President.—Failure of Congress to elect a designado.—Absence of both Vice-President and designado.
- 126. Privileges and powers of person in charge of the executive office.
- 127. Re-election of President.
- 128. Election and term of Vice-President.
- 129. Qualifications of Vice-President.
- 130. Duties of Vice-President.

## TITLE XII.

*Of the Ministers of the Cabinet.*

- 132. Determination of number, designation and precedence of ministers.—Business of ministers.

Article

- 133. Qualifications of ministers.
- 134. Duties of ministers.
- 135. Exercise by ministers of presidential authority.

TITLE XIII.

*Of the Council of State.*

- 136. Composition of the Council of State.
- 137. Restriction on the office of Councilor.
- 138. Term of office.
- 139. Division of Council into sections.
- 140. Substitutes for Councilors.
- 141. I-V.—Powers of Council of State.

TITLE XIV.

*Of the Public Ministry.*

- 142. Persons who shall exercise the public ministry.—Ministerial functions of the House of Representatives.
- 143. Duties of the public ministry.
- 144. Term of office of Attorney-General.
- 145. I-IV.—Functions of Attorney-General.

TITLE XV.

*Of the Administration of Justice.*

- 146. Number of Supreme Court judges.
- 147. Term of office of, removal from office of, vacation of office by Supreme Court judges.
- 148. Election and term of President of Supreme Court.
- 149. Temporary and permanent vacancies on Supreme bench.
- 150. Qualifications of judges of Supreme Court.
- 151. I-IX.—Functions of Supreme Court.
- 152. Appointment and removal of subordinate officers of the court.
- 153. Judicial districts and superior tribunals.
- 154. Qualifications of judges of superior tribunals.
- 155. Term and responsibility of judges of superior tribunals.
- 156. Organization of inferior courts.

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- 157. Qualifications for judge and for municipal judge.
- 158. Responsibility of inferior judges.
- 159. Restrictions on judges.
- 160. Suspension of judges.—Abrogation or diminution of judges' salaries.
- 161. Reasons to accompany sentences.
- 163. Juries in criminal trials.
- 164. Administrative tribunals.

TITLE XVI.

*Of the Public Force.*

- 165. Liability to military service.
- 166. Standing army.
- 167. Size of standing army.
- 168. Restrictions on the army.
- 169. Deprivation of rank, honors or pensions.
- 170. Court-martial.
- 171. National militia.

TITLE XVII.

*Of Elections.*

- 172. Election of municipal councilors and deputies.
- 173. Qualification of voters for electors and representatives.
- 174. Election of President and Vice-President.
- 175. Election of Senators.
- 176. Number of electors.
- 177. Renewal of electoral assemblies.
- 178. Election of Representatives.
- 179. The suffrage a Constitutional function.
- 180. Judges of elections.—Powers of, responsibility of, etc.
- 181. Law to decide election questions.

TITLE XVIII.

*Of the Departmental and Municipal Administration.*

- 182. Division of departments into provinces and districts.
- 183. Departmental assemblies.
- 184. Time and place of meeting of assemblies.
- 185. Duties of assemblies.
- 186. Power of assemblies in regard to municipalities.
- 187. Other powers of assemblies.

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188. Conveyance of property, etc., of the former States to the departments.
189. Appropriations by assemblies.
190. Right of assemblies to levy taxes.
191. Suspension of assembly ordinances.
192. Redress of persons injured by acts of the assemblies.
193. Functions of the governor of the department.
194. Appointment and term of governors.
195. I-VIII.—Powers of governors.
196. Responsibility and removal of governors.
197. Right of governor to use force of arms.
198. Municipal councils.
199. Duties of municipal councils.
200. Functions of alcaldes.
201. Administration of the depart-

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*Of Finance.*

## Article

202. I-III.—Enumeration of the property of the Republic.
203. National debt.
204. Delay before an indirect tax can go into effect.
205. Delay before the customs tariff may be altered.—Proviso.
206. Estimates of expenses and revenues to be prepared by the ministers.—Failure of Congress to vote the budget.
207. Appropriations of money.
208. Extraordinary credits.

## TITLE XX.

*Of the Amendment of this Constitution and the Abrogation of the Former.*

209. Amendments, how made.
210. Repeal of the Constitution of 1863.

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## Article

1. The nation, how composed.
2. The territory of the Republic.
3. The sovereignty vested in the nation.
4. The government is vested in the legislative, executive and judicial.
5. The Republic is indivisible, free and independent of all foreign power.

*Ecuadorians and Aliens.*

6. The following are Ecuadorians.
7. Duties of Ecuadorians to the nation.
8. Rights and duties of domiciled foreigners.
9. Whom are citizens.
10. How citizenship is lost.
11. It may be restored.
12. How it may be suspended.

*Religion of the Republic.*

13. The Roman Catholic the established faith.

*Guarantees.*

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14. The death penalty not to be imposed for political offenses.
15. All persons presumed innocent till adjudged guilty by law.
16. Slavery prohibited.
17. Forced recruiting forbidden.
18. Rights of tradesmen and laborers.
19. Liberty of association without arms.
20. The right of petition.
21. No arrest or imprisonment except as provided by law.
22. No one to be excluded from the protection of the law nor deprived of the right of defense in all stages of the trial.
23. Relations may not be compelled to testify against each other.—Close confinement beyond twenty-four hours prohibited.
24. Whipping and confiscation of property forbidden.

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25. In regard to private property.
26. No tax or duty shall be levied except by law.
27. In regard to discoveries, inventions and literary productions.
28. Freedom of speech and of the press.
29. The house of every person shall be inviolable.
30. Suffrage shall be free.
31. Intercepting, opening or searching private letters or papers prohibited.
32. All persons allowed to travel freely.
33. The national debt fund shall not be used for any other purpose.
34. Primary instruction free and compulsory.
35. Entailing of property forbidden.
36. Those who may be public functionaries.
37. In regard to public functionaries who have violated any of the guarantees of this Constitution.

*Elections*

38. Elections shall be by direct and secret vote.
39. Those who are electors.
40. Duties of the authorities on election day.

*Legislative Powers.*

41. It is vested in the Congress.
42. It shall meet every two years.—The session shall be for sixty days.
43. The Senate shall consist of two Senators for each province.
44. The necessary qualifications of a Senator.
45. The exclusive powers of the Senate.
46. The power of the Senate to disqualify from holding office.
47. When the charges do not relate to official conduct.
48. The Chamber of Deputies to consist of whom.—Apportionment of the same.
49. All citizens are eligible.
50. Powers of the Deputies.

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51. Two-thirds of all the members a quorum.
52. No member of Congress shall withdraw from his post.
53. The purposes for which the chambers shall meet in joint session.
54. They shall organize by themselves, and neither may adjourn for more than three days without the consent of the other.
55. Special privileges of Senators and Deputies.
56. They may not accept any other position during their term.
57. Certain officers who may not be members of the Congress.
58. Senators shall serve for four years and may be re-elected indefinitely.
59. Deputies shall serve for two years and may be re-elected indefinitely.
60. No business can be done without a quorum.
61. The sessions shall be public.
62. The powers of Congress.
63. Certain powers which Congress may not have.
64. All laws, decrees and resolutions may originate in either chamber.
65. If any bill, etc., has been rejected, it may not be introduced till next session unless amended.
66. All bills, etc., approved in one chamber shall pass to the other.
67. In case of the rejection of a bill by a chamber.
68. All bills, etc., passed by both chambers shall be sent to the executive for approval.
69. In case a bill fails to become a law.
70. The executive may be forced to approve a bill.
71. If the executive does not return a bill within a stated time it shall become a law.
72. All bills and resolutions shall be published in the paper.

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73. Acts, etc., to be signed by respective presidents and secretaries of each chamber.
74. In regard to what is to be done if the provisions in articles 65, 66 and 67 are not complied with.
75. If the chamber where the bill originated has adjourned.
76. In regard to resolutions of Congress.
77. The enacting clause.
78. The same rules shall be followed for the interpretation of the laws, etc.
79. The laws have no binding force except by virtue of their promulgation.
80. They shall be promulgated by the executive.

*The Executive Power.*

81. It is vested in the President.
82. Election of President and Vice-President.
83. To be eligible to the same.
84. How the positions of President and Vice-President become vacant.
85. When they become vacant, how filled.
86. Their term of office.—They may not be re-elected.
87. No relation of the chief magistrate shall succeed him.
88. The President may not leave the country.
89. The President and Vice-President shall take the oath of office.
90. The executive shall have the following powers and duties.
91. The President or Vice-President shall not violate the guarantees established by the Constitution.
92. The President shall be held responsible for treason, etc.
93. The President to report to each chamber.
94. In case of invasion or domestic disturbance, the executive shall have the following powers.
95. The said powers are to be limited as to time.

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96. The powers may be delegated to governors of provinces.
97. Secretaries of State to assist the President.
98. Their qualifications.
99. Duties of Secretary of State.
100. Secretaries of State shall be held responsible in certain cases.
101. The Secretaries of State shall give information to legislative chambers.
102. They shall present to Congress a written report.
103. Duties of Secretary of the Treasury.
104. Council of State, to consist of whom.
105. The President to consult the Council before approving or disapproving acts of Congress.
106. Duties of the Council of State.

*The Judicial Power.*

107. How judicial power is vested.
108. To be eligible as Justice of Supreme Court.
109. To be eligible as Judge of Superior Court.
110. Congress to elect certain judges.
111. Number of associate justices to be fixed by law.
112. Justices of Supreme Court may be present at discussion of bills in Congress.
113. Courts to state the grounds for their decisions.
114. Responsibility of justices and judges.—In regard to removal.
115. Shall serve for six years and may be re-elected indefinitely.

*The Home Government.*

116. Subdivisions of the Republic.
117. Chief officers of the same.
118. Municipal corporations.
119. In regard to measures passed by the same if in opposition to the Constitution and laws.
120. Certain territory to be governed by special law.

*The National Forces.*

121. A standing army and national guard.
122. Military jurisdiction and power.

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123. In regard to appointing and paying a greater number of officers, etc.
124. Other officials not to be appointed.
125. In regard to granting ranks.
126. Army not to receive salary except when in active service.
127. Military not to comply with certain orders.
128. No armed body to ask assistance, etc.
129. How the armed force is formed.

*General Provisions.*

130. No payment to be made from the treasury except by appropriation.
131. Political, military or judicial authority may not be exercised by same person.

Article.

132. Oath to support the Constitution to be taken.
133. No one to receive two salaries.
134. Salaries not to be increased nor decreased.
135. In regard to relinquishing citizenship in time of war.

*Amendments.*

136. The Constitution may be reformed.

*Transient Provisions.*

137. Power of the Constitutional Convention.
138. Certain officers to be elected by secret vote.
139. Certain offices, when vacated.—Salaries established by law.
140. Last annual Congress.

REPUBLIC OF FRANCE.

February 25, 1875.—On the Organization of the Public Powers.

Article

1. Legislative power.—Two houses. Election of Chamber of Deputies.—Composition and election of Senate.
2. Election and term of President.
3. Powers of President.
4. Appointment and dismissal of Counsellors of State.
5. Dissolution of the chambers by the President.
6. Responsibility of ministers; of the President.
7. Election of a new President in cases of vacancy.—Executive power until such election.
8. Revision of the constitutional laws.
9. Seat of executive power and chambers

February 24, 1875.—On the Organization of the Senate.

1. Number and election of Senators.
2. Distribution of Senators

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3. Qualifications of Senators.
4. Manner of electing Senators chosen by the departments and colonies.
5. Manner of electing Senators by the Assembly.
6. Term of Senators elected by the departments and colonies.—Renewal by thirds.
7. Term of Senators elected by the Assembly.—Vacancies.
8. Legislative powers of the Senate.
9. Judicial powers of the Senate.
10. Date of elections for and of organization of Senate.
11. Date for promulgating this law.

July 16, 1875.—On the Relations of the Public Powers.

1. Date for assembling of Senate and Chamber.—Length of session.—(Public prayers.)
2. Closure of session by President.—Rights and duty of President in regard to convening and adjourning the chambers.

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3. Meeting of chambers in National Assembly to elect a new President.—Case of death or resignation of President.—Case of vacancy in Presidency during a dissolution of the chamber.
4. Illegal meetings of the chambers.
5. Public and secret sessions.
6. Messages from the President.—Right of ministers to take part in debates.
7. Promulgation of laws by the President.—New discussion before promulgation.
8. Treaties, negotiation and ratification of.—Vote of chambers on certain treaties.—Cession, exchange or annexation of territory.
9. Declaration of war.
10. Rights of chambers over their members.
11. Bureaus of the chambers; of the National Assembly.
12. Impeachment of President and ministers.—Trial of persons accused of attempts on the safety of the State.
13. Freedom of members from responsibility for opinions or votes.
14. Freedom from arrest.

June 21, 1879.—Revising Article 9 of the Law of February 25, 1875.

1. Article 9 repealed.

August 14, 1884.—Partially Revising Constitutional Laws.

1. Amendment of paragraph 2 of article 5 of the law of February 25, 1875.
2. Addition to paragraph 3 of article 8 of the same law.—Revision of republican form of government prohibited.—Persons ineligible to presidency.
3. Articles 1-7 of law of February 24, 1875, no longer constitutional in character.
4. Repeal of paragraph 3 of article 1 of the law of July 16, 1875.

## ORGANIC LAWS.

August 2, 1875.—On the Election of Senators.

## Article

1. Date for election.—Interval between choice of delegates and the election.
2. Election of one delegate by each municipal council and of one alternate.—Persons ineligible and persons eligible to election as delegates.
3. Election in communes where municipal committees exist.
4. Notification of and acceptance by delegate.
5. Official report of election.
6. Statement of results of election.—Rights of electors to obtain lists of municipal councillors.
7. Protests against legality of elections.—Request of prefect to have election set aside.
8. Decision of legality of election.—Case of annulment of election of delegate.—Case of annulment of election of both delegate and alternate.
9. Arrangement of list of electors.
10. Persons enrolled on list.
11. Composition of electoral college in Algeria.
12. Bureau of electoral college.
13. Duties of bureau.
14. Hours for balloting.—Determination and announcement of results of balloting.
15. Necessity for an absolute majority on first two ballots or a plurality on the third.—Choice in case of a tie.
16. I-III. Rules for political meetings for nomination of Senators.
17. Remuneration of delegates.
18. Fines on delegates and alternates.
19. Punishment of attempts to influence electors by corrupt methods.
20. I-III. Offices incompatible with that of Senator.
21. I-XII. Persons ineligible to election as Senators.

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22. Choice of his department by a Senator elected from more than one.
23. Filling of vacancies when the number of Senators in a department is reduced to one-half.
24. Election of Senators by National Assembly.
25. Election of successors to Senators chosen by virtue of article 7 of law of February 24, 1875.
26. Salary of Senators.
27. Application of provisions of electoral law to elections of Senators.

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28. Date for first election of Senators.—Election of Senators by National Assembly.
29. Cases in which provisions of article 21 shall not and shall apply.

November 30, 1875.—On the Election of Deputies.

1. Persons who shall vote for Deputies.—Rules for registration on the supplementary list.—Appeals.—Time the electoral lists shall serve.
2. Restriction on soldiers' voting.
3. Posting and distribution of circulars and platforms.—Distribution of ballots.—Persons forbidden to distribute circulars, platforms or ballots.—Application of provisions of article 19 of law of August 2, 1875, to election of Deputies.
4. Length of time for and place of balloting.—Date of and rules for second ballot.
5. Method of voting.—Secret ballot.—Deposit of voting list.
6. Persons eligible without tax qualification.
7. Prohibition on soldiers or sailors becoming Deputies.—Exceptions to this rule.
9. Additional exceptions to article 8.

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10. Restoration of former office-holders to their office after expiration of term as Deputy.—Right to retiring pension when an office-holder is elected Deputy.—Regulation of such pension.—Laws to apply to officials restored to office.—Retention of rank when public office is given up by Deputy.
11. Deputies cease to be such when appointed to salaried public position.—Re-election as Deputy. Exceptions to first paragraph.
12. I-X. List of persons ineligible to election as Deputy.
13. Imperative mandates.
14. Election by single districts.—Distribution of Deputies.
15. Term of Deputies.
16. Election to fill vacancies.
17. Salaries of Deputies.
18. Necessity for a majority on the first ballot or a plurality on the second.—Choice in case of a tie.
19. Number of Deputies from Algeria.
20. Registration of voters in Algeria.—Establishment of electoral districts in Algeria.
21. Number of Deputies from colonies.
22. Fine for violation of paragraph 3 of article 3.—Extension of application of provisions of article 6 of law of July 7, 1874.—Repeal of certain decrees and laws.—Constitution in force of laws not in conflict with this.
23. Cases in which article 12 shall and shall not apply.

July 22, 1879.—Relating to the Seat of the Executive Power and of the Chambers at Paris.

1. Seat of executive power and chambers.
2. Palaces assigned to Senate and chamber.—Right to choose other places.
3. Continuation of present arrangements at Versailles.—Place of

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- sitting of National Assembly.
- Place of sitting of Senate as a court of justice.
- 4. Date of change from Versailles to Paris.
- 5. Duty of presidents of chambers.
- Right to call on armed force.
- Necessity of obeying such a call.—Right to delegate this authority.
- 6. Petitions to be in writing.
- 7. Penalties for violating article 6.
- 8. Limitation on preceding provisions.
- 9. Application of article 463 of the Penal Code.

December 9, 1884.—Amending the Organic Laws on the Organization of the Senate and the Elections of Senators.

1. Number of Senators.—Term of present Senators.
2. Distribution of Senators among the departments and colonies.
3. Process to be followed in departments where there is an increase in the number of Senators.—Term of office of the new Senators.
4. Qualifications of Senator.—Persons ineligible.
5. Soldiers ineligible to election as Senators.—I-IV. Exceptions to the above.
6. Mode of electing Senators.
7. Term of Senators.—Triennial renewal of Senate.
8. Amendments to certain articles, etc., in law of August 2, 1875.
9. Repeal of certain articles in laws of February 24, 1875, and August 2, 1875.

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Law to apply at next election.—Establishment of right to a retiring pension.

June 16, 1885.—Amending the Electoral Law.

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1. Mode of electing Deputies.
2. Distribution of Deputies.
3. Department, the electoral district.
4. Persons ineligible to be elected Deputies.
5. Necessity of a majority on the first ballot or a plurality on the second.—Choice in case of a tie.
6. Date for general elections.
7. Filling of vacancies.

December 26, 1887.—On Parliamentary Incompatibilities.

Law to apply temporarily to Senatorial elections.—Establishment of right to a retiring pension.

February 13, 1889.—Re-establishing Single Districts for the Election of Deputies.

1. Repeal of certain articles of law of June 16, 1885.
2. Single districts.—Size of districts.
3. Distribution of Deputies among the colonies.
4. Filling of vacancies.

July 17, 1889.—On Multiple Candidatures.

1. Prohibition on multiple candidatures.
2. Declaration of district for which one is candidate.
3. Void declarations.
4. Prohibition against aiding candidates who have violated this law.
5. Throwing out of ballots for such candidates and seizure of their placards, etc.
6. Fine on candidates and others violating this law.

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1. Enumeration of the States forming the Union.

## Division II.—Legislation of the Empire.

2. Body exercising legislative power.—Supremacy of Federal law.—Publication.—Time of taking effect.
3. Privileges and immunities of citizens.—Regulations as to paupers, as to custody of persons to be expelled, as to care of sick and burial of deceased citizens.—Military service and protection of German citizens in foreign countries.
4. Federal competence.
5. Legislative bodies.—Requisites for law.—Veto of Prussia on propositions to change existing laws on certain matters.

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6. Composition.—Distribution of votes.—Methods of voting.
7. Competence of Federal Council.—Majority necessary to action.—What votes to be counted.—The votes.—Matters to be decided by partial votes.
8. Standing committees.—What States to be represented.—How appointed.—For what time.—Committee on foreign affairs.
9. Rights of members of Federal Council in the Diet.
10. Protection of members of the Federal Council.

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11. To whom it belongs.—General powers.—Power to declare war.—As to treaties.
12. Rights of Emperor in convening, opening, adjourning and closing the Federal Council and Diet.

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13. Frequency of regular meetings.
14. When the Federal Council may be convened.
15. Appointment of Chancellor.—Duties of Chancellor.—Deputy.
16. Duty of Emperor in initiation of legislation.
17. Publication of laws.—Responsibility of the Chancellor.
18. Appointment of imperial officers. Rights of same.
19. Compulsion upon States.

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20. Method of choosing members.
21. Conditions relating to government officials in the Diet.
22. Publicity of sessions.—Responsibility of publishing the proceedings.
23. Right of initiation of legislation.—As to petitions.
24. Length of term.—Dissolution.
25. New elections and reconvoction in case of dissolution.
26. Adjournment by Emperor.
27. Determination of election of members.—Rules of proceedings.—Officers.
28. Majority necessary to action and quorum.—Matters to be decided by partial vote.
29. Independence of members of Diet.
30. Immunity of members for course within the Diet.
31. Immunity of members from arrest and trial.
32. Compensation of members.

## Division VI.—Custom and Commerce.

33. Territory within the Customs Union.—Freedom of commerce within the Union.
34. Bremen and Hamburg.
35. Subjects of exclusive legislation.—States excepted.—Obligations of excepted States.
36. States to administer taxes.—Means of securing uniformity.
37. Veto of presidium on proposals to change existing tax laws.

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38. Rules for division of income from customs and taxes between the States and Empire.  
 39. Methods of accounts and auditing.  
 40. Customs-Union treaty of 1867.

## Division VII.—Railways.

41. Railways which may be constructed by the Empire.—Obligations of existing railways.—Right of monopoly.  
 42. Obligations of the State governments.  
 43. Uniform railway legislation as to management and equipment.  
 44. Obligations of railways to each other and the public.  
 45. Competence of Empire as to regulation of railway tariffs.  
 46. Exigency tariff.  
 47. Use of roads for military purposes.

## Division VIII.—Post and Telegraph.

48. Uniformity in system.—Government monopoly.—Right of administrative department.  
 49. Disposition of receipts.  
 50. Rights and duties of Emperor.  
 51. Procedure in determining the amount due the imperial treasury from the post-office.  
 52. Exception as to Bavaria and Wurtemberg.

## Division IX.—Marine and Navigation.

53. Navy of the Empire.—Right of the Emperor.—War harbors.—Support of navy.—Sailors.—Conscription.  
 54. Merchant marine.—Rules of tonnage.—Equal rights of all ships.—Water dues.—Dues on natural water courses.—Discriminating duties against foreign ships.  
 55. Navy and marine flags.

## Division X.—Consular Affairs.

56. Appointment of officers and supervisors of consular affairs.—State consulates.

## Division XI.—Military Affairs of the Empire.

57. Who subject to military duty.

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58. Distribution of military burdens.  
 59. Standing army.—Landwehr.—Emigration of men belonging to the reserve.  
 60. Number of the German army.  
 61. Introduction of Prussian military code.—German military code.  
 62. Military appropriations.—Basis to be taken for the budget law.  
 63. Constitution of the German army.—Numbering of regiments.—Uniforms.—Duty and privileges of Emperor as to inspections.—As to organization.—Method of issuing orders.  
 64. Allegiance of soldiers.—Appointment of officers.—Right of selection.  
 65. Construction of fortresses.  
 66. Right of State governments to appoint officers and hold inspections.—To receive notice of changes.—To employ the army for police purposes.  
 67. Unexpended military appropriations.  
 68. Declaration of martial law.

## Division XII.—Finances of the Empire.

69. Budget.  
 70. Method of determining financial wants.  
 71. Term for which appropriations are to be made.—Army estimates.  
 72. Reports of expenditures.  
 73. Loans.

## Division XIII.—Settlement of Disputes and Penal Provisions.

74. Punishment of injuries and insults to Empire or its officers or departments.  
 75. Courts for trial of treason.  
 76. Disputes between different States.—Disputes on constitutional points within a State.  
 77. Denial of justice within a State.

## Division XIV.—Amendment.

78. General method.—Veto of individual States.

## REPUBLIC OF HONDURAS.

*Declaration of Rights.*

## Article

1. It is a separate portion of Central America.—The Constitution may be reformed or abolished.
2. The Republic is free, sovereign, independent.
3. Public power emanates from the people.
4. The government.—It shall be exercised by the legislative, executive and judicial.
5. Boundaries.
6. The Constitution guarantees life, liberty, equality, and rights of property.
7. Individual legal guarantees recognized by the Republic.
8. Slavery illegal.—Traffic in slaves a crime.
9. All shall have liberty to publish their ideas; to dispose of property; in religious belief; to assemble peaceably without arms; to petition; to leave the territory.
10. No personal privileges.—Honduraneans eligible for public office.—Ministers of religious societies not eligible.—Natives and foreigners equal before civil law.
11. Property inviolable.—Congress alone may impose taxes.—No personal servitude.—Confiscation abolished.—Rights of authors and inventors.
12. In regard to the guarantees of public rights.
13. No foreigner is more privileged than another.—Not compelled to be naturalized.—How it is obtained.
14. Duties of foreigners to the Republic.
15. Laws and treaties to regulate the use of guarantees, but no power to diminish them.
16. Military service obligatory.—Naturalized Honduraneans exempt for ten years.
17. Military jurisdiction.
18. No armed body may deliberate
19. Sedition defined.

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20. Usurped authority illegal.—Its acts are void.
21. In regard to a state of siege.
22. Neither Honduraneans nor foreigners may claim indemnity for injury in time of revolts.
23. Certain officers may be accused of treason.—Judgment limited to deposing the accused.
24. Primary education is obligatory, non-clerical and gratuitous.—No minister of any religious society may direct any educational establishment sustained by the State.
25. This State shall encourage agriculture, commerce, immigration, construction of roads and railroads, and the establishment of new industries.
26. River navigation open to all.
27. The Constitution may be amended by a national Constitutional Convention.
28. Employes or officers of the Republic to make the following promise.
29. Honduraneans are such by birth or naturalization.
30. Those by birth are: All persons born in the Republic; natives of the other Central American Republics.
31. Those by naturalization are: Spanish-Americans domiciled in the Republic; foreigners referred to in section 4, article 12.
32. Citizens are: All natives or naturalized Honduraneans above twenty-one years of age, with an occupation.
32. The same if above eighteen years of age and can read and write or are married.
33. The rights of citizenship shall be suspended.
34. How rights of citizenship are lost.
35. Suffrage is public and direct.—It is irrenounceable and obligatory.
36. Who may be voted for.

*Departments of Government.*

## Article

37. Legislative power is by a Congress of Deputies.—Its session and time of meeting.
38. Five Deputies have the power to insure the attendance of the others.—Two-thirds required to determine the resolution of a question.
39. Deputies elected for four years and may be re-elected indefinitely.
40. Eligibility as a Deputy.
41. Secretaries of State, soldiers in active service, governors, etc., are not eligible.
42. Deputies are privileged from arrest.—Not responsible for words uttered in debate.
43. Electoral districts.—Number of Deputies from each.

*Powers of Congress.*

44. Enumeration of the powers of Congress.
45. To provide for the defense and external security of the country, etc.
46. To approve or disapprove the accounts for public expenses, etc.
47. To approve or disapprove of declarations of "state of siege" made during its recess, etc.
48. Congress may delegate to the executive legislative powers, etc.
49. By whom laws may be initiated.—How bills shall be presented.
50. All bills to be read three times, except in case of urgency.
51. The executive to approve or disapprove of all bills.
52. When the executive declines to give his approval.
53. If a bill is passed by Congress at the end of its session.
54. If a bill is rejected it shall not be again presented till next session.
55. How a bill shall be voted on when returned by the executive.
56. The approval of the executive

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- is not necessary for the following acts or resolutions.
57. Bills passed by Congress to be written in duplicate.
58. If the executive approves a bill.
59. How the promulgation of a law shall be made.

*The Executive Department.*

60. The executive power vested in the President.
61. Qualifications for President.
62. How elected.—In case of a tie.
63. Term of office four years.—May be re-elected.
64. There shall be one or more Secretaries of State.
65. Qualifications of the same.
66. His duties and responsibility.
67. They shall present to the Congress detailed reports.
68. Also the estimates for their respective departments.
69. May attend sessions of Congress and take part in the debates, but may not vote.
70. In case the President, for any reason, is unable to perform the duties of office, he shall choose a substitute.
71. The President is the supreme chief of the nation.
72. He executes the laws, nominates judges, receives resignations of judges, nominates employes of the executive department, grants pardons, commutes penalties, convokes special sessions of Congress, and sends a message to Congress.
73. He concludes and signs treaties of peace, of commerce, etc.—He nominates the diplomatic and consular agents.
74. He causes the revenues to be collected.—In case of invasion or rebellion he may decree a general extraordinary contribution.
75. President is Commandant-General and General-in-Chief.—Appoints certain officers, etc.
76. The judicial power of the Republic, how vested.

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77. Qualifications for office of Judge of Supreme Court.
78. Neither the President nor Congress may exercise judicial functions.
79. Supreme Court judges shall hold their office for four years.
80. Powers of courts regulated by law.
81. The administration of justice shall be gratuitous.

*Municipal Government.*

Article

82. Incorporated municipalities.
83. The municipality is autonomous.—Its officers elected directly by the people.
84. Powers of municipal officers limited.
85. The punishment of death may be imposed.
86. This Constitution shall commence to be in force on December 1, 1880.

EMPIRE OF JAPAN.

CHAPTER I.

Article

1. How the Empire shall be governed.
2. The Throne shall be succeeded to by Imperial male descendants.
3. The Emperor sacred and inviolable.
4. The Emperor the head of the Empire.
5. He exercises the legislative power.
6. He gives sanction to laws.
7. His powers in regard to the Imperial Diet and House of Representatives.
8. When and why imperial ordinances are issued.
9. Such ordinances shall not alter any of the existing laws.
10. The Emperor organizes the branches of the administration and the salaries of all civil and military officers.
11. He is Commander-in-Chief of the army.
12. He determines the organization and peace standing of the army.
13. He declares war and concludes treaties.
14. He proclaims the law of siege.
15. He confers titles etc.
16. The Emperor orders amnesty, pardon, etc.
17. The powers of the Regent.

CHAPTER II.

*Japanese Subjects and Their Rights and Duties.*

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18. Their conditions determined by law.
19. They may be appointed to civil or military offices.
20. Japanese subjects are amenable to service in army or navy.
21. They are amenable to the duty of paying taxes.
22. They shall have the liberty of abode and of changing the same.
23. No arrest except in accordance with the law.
24. Right to be tried by the judges determined by law.
25. Houses may not be searched without consent of owner.
26. The secrecy of letters shall remain inviolable.
27. The right of property inviolable.
28. Japanese subjects shall enjoy freedom of religious belief.
29. They shall enjoy liberty of speech, writing, public meeting and association.
30. They may petition.
31. The provisions contained in present chapter shall not affect the power of the Emperor in time of war.
32. All the provisions of the preceding articles not in conflict with

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laws and rules of the army and navy apply to the officers and men of the same.

## CHAPTER III.

*The Imperial Diet.*

33. It shall consist of a House of Peers and a House of Representatives.
34. The House of Peers.—How composed.
35. The House of Representatives.—How composed.
36. No one may be a member of both Houses at the same time.
37. Every law requires the consent of the Imperial Diet.
38. Both Houses may initiate projects of law.
39. A bill rejected by either House shall not again be brought up during the same session.
40. Representations made by either House to the Government, if rejected, cannot be made a second time during the same session.
41. The Imperial Diet shall be convoked every year.
42. The session shall last three months.
43. An extraordinary session may be convoked.—Its duration.
44. The opening and closing of the Imperial Diet shall be simultaneous for both Houses.
45. When the House of Representatives has been dissolved a new election shall take place.
46. One-third of all the members required for transacting business.
47. Votes shall be taken by absolute majority.—In case of tie the President shall have the casting vote.
48. The deliberations of both Houses shall be public.
49. Both Houses may address the Emperor.
50. The people may petition both Houses.
51. Both Houses may make their own rules.
52. Members of either House not to

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be held responsible for words spoken in debate.

53. Members of both houses to be free from arrest.
54. The Ministers of State and Delegates of the Government may speak in either House.

## CHAPTER IV.

*The Ministers of State and Privy Council.*

55. The Ministers of State to advise the Emperor.—All laws, ordinances and rescripts to be signed by the Ministers.
56. The duties of the Privy Council.

## CHAPTER V.

*The Judicature.*

57. It shall be exercised by the courts of law.
58. How the judges shall be appointed.—No judge to be deprived of his position.
59. The courts shall be open, except in certain cases, when it is not deemed advisable.
60. Special courts.
61. In regard to rights which have been infringed.

## CHAPTER VI.

*Finance.*

62. In regard to the imposition of a new tax.—The raising of national loans requires the consent of the Imperial Diet.
63. How taxes are collected.
64. The expenditures and revenue of the State.
65. The budget shall be submitted to the House of Representatives.
66. The expenditures of the Imperial House.
67. In regard to fixed expenditures.
68. In order to meet special requirements, the government may ask the consent of the Imperial Diet.
69. To supply deficiencies in the budget a reserve fund shall be provided.
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- may take all financial measures, in case of urgent need.
- 71. When the budget of the preceding year is to be carried out.
- 72. How the final account of the expenditures of the revenue are to be verified.

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- 73. How the Constitution may be amended.

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- 74. No modification of the Imperial House law need be submitted to the deliberation of the Imperial Diet.
- 75. No modification of the Imperial House law or Constitution during a Regency.
- 76. All existing legal enactments not in conflict with the Constitution shall continue in force.

UNITED STATES OF MEXICO.

PREAMBLE.

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Of the Rights of Individuals.

Section I.—Of Man.

Article.

- 1. Recognition of the rights of man.
- 2. Slavery prohibited.
- 3. Free instruction.
- 4. Freedom in exercise of profession or occupation.
- 5. Personal liberty.—Prohibition of monastic orders.
- 6. Freedom of speech.
- 7. Freedom of the press.
- 8. Right of petition.
- 9. Right of assembly.
- 10. Right of bearing arms.
- 11. Right of travel and of changing residence.
- 12. Titles of nobility.
- 13. Special laws and tribunals.—Martial law.
- 14. Retroactive laws.
- 15. Extradition of political offenders.
- 16. Freedom from search.
- 17. Arrest for debt.—Prompt and gratuitous administration of justice.
- 18. Imprisonment.
- 19. Temporary detention.
- 20. I-V. Guarantees to accused in criminal trials.
- 21. Judicial penalties.—Powers of political authorities.
- 22. Unusual punishments.
- 23. Death penalty.—Penitentiaries.

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- 24. Criminal proceedings.
- 25. Freedom of the mails.
- 26. Quartering of soldiers.
- 27. Private property protected.
- 28. Monopolies prohibited.—Specified exceptions.
- 29. Suspension of guarantees in case of invasion or public danger.
- Section II.—Of Mexicans.
- 30. I-III. Who are Mexicans.
- 31. I-II. Obligations of Mexicans.
- 32. General provisions favoring Mexicans.
- Section III.—Of Foreigners.
- 33. Rights and obligations of foreigners.
- Section IV.—Of Mexican Citizens.
- 34. I-II. Qualifications of citizenship.
- 35. I-V. Prerogatives of the citizen.
- 36. I-IV. Obligations of the citizen.
- 37. I-II. Loss of citizenship.
- 38. Forms in which rights of citizenship may be lost, suspended and regained.

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Of the Nation and Its Integral Parts.

Section I.—Of the National Sovereignty and of the Form of Government.

- 39. Origin of national sovereignty.
- 40. Character of the Federal and of the State governments.

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41. Sovereignty exercised through Federal and State officers.

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42. National territory.  
43. Enumeration of integral parts.  
44-49. Boundaries.

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50. General vesting of powers.

## Section I.—Of the Legislative Power.

51. General Congress.—Two houses.

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53. Apportionment of Deputies.

54. Alternate to Deputy.

55. Election by indirect and secret ballot.

56. Qualifications of Deputy.

57. Federal officers ineligible for positions of Deputy and of Senator.

58. Deputies and Senators ineligible to Federal appointment.  
A-C. Constitution of the Senate.

59. Privilege from arrest.

60. Each house judge of the election of its own members.

61. Quorum.

62. Sessions of Congress.

63. Annual address of President.

64. Form of law or decree.

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65. I-III. Right to initiate laws.

66. Bills presented by President or State Legislatures.

67. Rejected bills.

68. Preference given to examination of estimates and accounts in second period of sessions.

69. Duty of executive to present bill of appropriations.

70. Origin of laws and decrees in Congress.

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71. A-E. Process of formation of laws or decrees.—F. Interpretation, amendment or repeal of laws.—G. Seat of legislative bodies.—H. Extra sessions.

## Paragraph III.—Of the Powers of the General Congress.

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73. Constitution of permanent deputation.

74. I-V. Powers of permanent deputation.

## Section II.—Of the Executive Powers.

75. Vesting of executive power.

76. Election of President.

77. Qualifications of President.

78. Term of office.—Ineligibility to immediate re-election.

79. Temporary default in Presidency.—A-I. Provisions in regard to Presidency and Vice-Presidency of Senate and of permanent deputation.—J. Newly-elected President.

80. Commencement of term for newly-elected President.

81. Resignation of Presidency.

82. Failure to elect President before expiration of term.

83. Oath of office.

84. Residence of President.

85. I-XVI. Powers and obligations of President.

86. Cabinet.

87. Qualifications of cabinet secretary.

88. Regulations, decrees and orders to be signed by a cabinet secretary.

89. Annual report of secretaries.

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90. Vesting of judicial power.

91. Constitution of Supreme Court.

92. Election and term of office of members of Supreme Court.

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93. Qualifications of members of Supreme Court.
94. Oath of office.
95. Resignation.
96. Circuit and district courts.
97. I-VII. Jurisdiction of Federal tribunals.
98. Original jurisdiction of Supreme Court.
99. Duty of Supreme Court to determine questions of jurisdiction.
100. Supreme Court as a court of last resort.
101. Special jurisdiction of Federal tribunals.
102. Form of judicial procedure and sentence.

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Of the Responsibility of Public Functionaries.

103. Public functionaries responsible for crimes, misdemeanors and negligence.—General provisions.
104. Common crimes.
105. Official crimes.
106. Pardons for official crimes forbidden.
107. Duration of responsibility.
108. No immunity from demands of civil order.

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109. Republican form of government.
110. Fixing of State boundary lines.
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114. Obligation of State Governors to enforce Federal laws.

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115. Faith and credit to public acts, records, etc., of other States.
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118. No person allowed to hold two Federal elective offices.
119. Federal payments, not authorized by law, forbidden.
120. Compensation of Federal officers.
121. Oath of office.
122. Military authority in time of peace.
123. Intervention in religious worship and external discipline.
124. Duties on articles of internal commerce.—State restrictions on foreign and domestic commerce.
125. Federal forts, magazines, etc.
126. Supreme law of the Union.

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127. Process of amendment.

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Of the Inviolability of the Constitution.

128. Interruption of its observance by rebellion.

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2. Marriage and other civil contracts.
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*The Territory of the State.*

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1. Extent of territory of Prussia.
2. Boundaries of the territory.

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3. Quality and rights of a Prussian citizen.
4. All Prussians shall be equal before the law.—Class privileges shall not be permitted.—Public offices.
5. Personal freedom guaranteed.—Forms and conditions under which any limitation thereof shall be permissible.
6. The domicile shall be violable.—Intrusion and search therein, as well as the seizing of letters and papers, shall be allowed, only.
7. No one shall be deprived of his lawful judge.—Exceptional tribunals and extraordinary commissions shall not be permitted.
8. Punishments shall not be prescribed or inflicted except according to law.
9. Property is inviolable.—When it shall be taken or interfered with.—In urgent cases.
10. Civil death and confiscation of property, as punishment, shall not be permitted.
11. Freedom of emigration.—Migration fees shall not be levied.
12. Freedom of religious confession.—The enjoyment of civil and political rights.—The exercise of religious liberty.

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13. Religious and ecclesiastical associations.
  14. The Christian religion shall be taken as the basis of those State Institutions which are connected with the exercise of religion.
- Articles 15, 16 and 18 repealed June 18, 1875.
17. A special law shall be enacted relating to church patronage and the conditions on which it may be abolished.
  19. Civil marriage shall be introduced in accordance with a special law.
  20. Science and its teachings shall be free.
  21. The education of youth shall be adequately provided for by the public schools.—Parents and their representatives shall cause their children to attend school.
  22. Every one shall be at liberty to give instruction and establish institutions of learning, provided.
  23. Public and private institutions of learning.—Teachers in the public schools.
  24. In the establishment of public elementary schools.—Religious instruction in the elementary schools.—The charge of the external affairs of the elementary schools.—The State shall appoint teachers.
  25. Means of establishing, maintaining and enlarging the public elementary schools.—Obligation of third parties.—Income of the teachers in elementary

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- schools.—Education shall be imparted free of charge.
26. A special law shall regulate all matters of education.
27. Every person entitled to express his opinion freely by word, writing, print, etc.
28. Offenses committed by word, writing, print, etc., shall be published in accordance with the general penal code.
29. All Prussians entitled to meet in closed rooms, peaceably and unarmed without previous permission.—Does not apply to open-air meetings.
30. Right of Prussians to form associations.—The law shall regulate with special regard to insuring the public security.—Political associations.
31. Conditions on which corporate rights may be granted or refused.
32. Right of petition shall belong to all Prussians.—Petitions under a collective name.
33. The privacy of the mails shall be inviolable.—In case of war or criminal examinations.
34. All Prussians are bound to military service.—The extent and character of this duty shall be determined by law.
35. What the army shall include.—In the event of war.
36. When the military power can be employed for the suppression of internal troubles, execution of the laws, etc.—When exceptions may be taken.
37. The court-martial of the army.—provisions in regard to military discipline.
38. Military forces shall not deliberate.—Assemblies and meetings of the militia.
39. The provisions of Arts. 5, 6, 29, 30 and 32 shall apply to the army only.
40. Art. 2. The establishment of feudal tenures is forbidden.—The feudal bond.

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40. Art. 3. To whom the provisions of article 2 do not apply.
42. The following laws are abolished without compensation; the right to exercise or delegate judicial power; fees and exemptions accruing from this right. The obligations arising from manorial or patriarchal jurisdiction form serfage and from former tax and industrial organization. With these rights are also to be abolished the counter-services and burdens devolving upon those enjoying these rights.

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43. The person of the King shall be inviolable.
44. The King's Ministers shall be responsible.—Official acts of the King.
45. The executive power shall belong to the King alone.
46. The King shall be Commander-in-Chief of the army.
47. The King shall fill all posts of the army as well as in other branches of the public service, unless.
48. The King shall have power to declare war and make peace.
49. The King shall have power to pardon and to mitigate punishment.—In case of a Minister condemned for his official acts.—In regard to suppressing inquiries already instituted.
50. The conveying of orders and other distinctions.—Right of coinage.
51. The King shall convoke the chambers and close their sessions.—May dissolve the two chambers.
52. King has power to adjourn the chambers.—In case of an adjournment without their assent.
53. The Crown is hereditary in the male line of the Royal Family.

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54. When the King shall have obtained his majority.—He shall take the oath.
55. Without the consent of both chambers the King cannot be ruler of foreign realms.
56. If the King be a minor; who shall undertake the regency.
57. Who shall convoke the chambers in case no previous provision has been made.—The Minister of State shall conduct the government, until.
58. Powers to be exercised by the Regent.—After the establishment of the Regency shall take the oath, etc.—Until the oath is taken.
59. In regard to the annuity drawn from the income of the forests and domains.

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60. The Ministers and the officials appointed to represent them shall have access to each chamber.—Each chamber can demand the presence of the Ministers.—The Ministers shall be entitled to vote.
61. Ministers may be impeached for the crime of violating the Constitution.—The decision in such cases.—Further details are reserved for special law.

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62. The legislative power shall be exercised by the King and the two Chambers.—Every law shall require the assent of the King and the two Chambers.—Money bills and budgets.
63. In the event only of its being urgently necessary to maintain public security or deal with an unusual state of distress when the Chambers are not in session.
64. Who shall have right to propose laws.—Bills that have

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- been rejected by one of the chambers.
- 65-69. (Amended May 7, 1853.) How the first Chamber shall be formed; of whom it shall be composed.
69. (As amended.) Of whom the second Chamber shall consist.—The electoral districts shall be determined by law.
70. Qualifications necessary to vote.—One entitled to take part in the election of different Communes.
71. For every two hundred and fifty souls of the population one elector shall be chosen.—The primary votes.—How this total sum shall be reckoned.—The House of Lords to consist of whom.—The King to choose life members, etc.
72. How the deputies shall be chosen.—Further details relating to elections.
73. The legislative period of the Second Chamber shall be five years.
74. Those eligible to deputy to the second chamber.—The President and members of the Supreme Chamber.
75. Both houses of the Diet of the Kingdom shall be regularly convened.
76. When both houses of the Diet of the Kingdom shall be convened by the King.
77. The chambers shall be opened and closed by the King in person, or by a Minister appointed by him.—Both chambers shall be simultaneously convened, opened, adjourned and closed.—If one chamber shall dissolve.
78. Each chamber shall examine the credentials of its members; it shall regulate its own order of business, elect its President, etc.—Members of the public service.—If a member of the chamber shall accept a salaried office of the State.—No one

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- can be a member of both chambers.
79. The sittings of both chambers shall be public.—When they may meet in private session.
80. The Chamber of Deputies cannot take action unless a majority of their members are present.—Action taken by absolute majority of votes.—The House of Lords.
81. Right of each chamber in addressing the King.—In regard to presenting a petition or address.—Each chamber can transmit to the Ministers the communications made to it and demand information of them.
82. Each chamber entitled to appoint commissions of inquiry into facts.
83. The members of both chambers are representatives of the whole people.—How they shall vote.
84. They can never be called to account for their votes in the chamber.—No member to be held up for examination or arrest, unless.
85. Compensation of the members of the second chamber.—Renunciation thereof shall be inadmissible.

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86. How the judicial power shall be exercised.—Judgments to be executed and issued in the name of the King.
87. The judges shall be appointed for life by the King, or in his name.—They can be removed or temporarily suspended from office.—These provisions do not apply to cases of transfer.
87. (Added February 19, 1879.) Deviations from the provisions of article 86 of the first clause of article 87 are permissible.
88. (Abrogated April 30, 1856.)

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89. How the organization of the tribunals shall be determined.
90. Who shall be appointed to the judicial office.
91. Courts for special classes of cases to be established by statute.—The organization and jurisdiction of such courts; appointment of their members; their term of office.
92. There shall be one supreme tribunal.
93. The proceedings of the Civil and Criminal Courts shall be public; when the public may be excluded.—Cases that can only be limited by law.
94. How the guilt of criminals shall be determined.
95. There may be established a Special Court; the jurisdiction of the same.
96. The jurisdiction of the courts and of the administrative authorities of the same shall be determined by law.—Conflicts of authorities between the courts.
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98. The special legal status of public officials, including advocates and solicitors, shall be determined by law.

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99. All income and expenditures of the State shall be estimated in advance every year.
100. How taxes and contributions to the public treasury shall be collected.
101. In the matter of taxes there shall be no privileges.—Tax laws shall be revised.

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102. State and Communal officers can levy fees only when authorized by law.
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104. Any violation of the provisions of the budget shall require subsequent approval by the chambers.—In regard to the accounts relating to the budget.—A special law shall regulate the establishment and functions of the Supreme Chamber of Accounts.

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105. (Amended.) The representation and administration of the communes, circuits and provinces of the Prussian State shall be determined by special law.

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106. When laws and ordinances shall become binding.—In regard to the validity of properly promulgated royal ordinances.
107. How this Constitution may be amended.
108. Enumeration of those who shall take the oath of fealty and obedience to the King.—Army shall not take the oath.
109. In regard to existing taxes and dues.
110. In regard to administrative authorities holding appoint-

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112. How educational matters shall be governed until the issue of the law contemplated in article 26.
113. In regard to a special law to deal with offenses committed by word, writing, print or pictorial representation.
114. (Repealed April 14, 1856.)
115. How long the ordinance of 30th of May, 1849, shall remain in force.
116. The two supreme tribunals now existing shall be combined into one.—The organization shall be prescribed by special law.
117. The claims of the State officials who received a permanent appointment before the promulgation of the Constitution.
118. In case changes in the present Constitution should be rendered necessary, such alterations shall be decreed by the King.—Chambers to decide whether the changes made will harmonize with the Federal Constitution of Germany.
119. In regard to the royal oath mentioned in article 54, as well as the oath prescribed to be taken by both chambers and the State officials.

## REPUBLIC OF SWITZERLAND.

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2. The purpose of the Confederation.
3. The cantons are sovereign—the Federal Constitution supreme.
4. All Swiss are equal—no privileges of birthplace, or family.
5. The guaranty of the Confederation to the cantons.
6. In regard to the constitutions of the cantons.
7. Separate alliances and treaties between cantons of a political nature forbidden.—They may make conventions upon legislative, administrative and judicial subjects.
8. The Confederation has the sole right of declaring war, making peace, etc.
9. The cantons have the right of concluding treaties, etc.
10. Official intercourse between cantons and foreign governments.
11. No military capitulations shall be made.
12. Civil and military officials may not receive titles, gifts, or decorations from foreign powers.
13. No standing army.
14. How differences between cantons are to be settled.
15. Cantons to assist each other in case of attack by foreign powers.
16. In case of internal disturbance.
17. Every canton is bound to afford undisturbed passage for troops.

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18. Military duty obligatory.
19. The composition of the Federal army.
20. Military laws, organization, instruction, etc.
21. In regard to soldiers of the cantons.
22. The right to acquire drill-grounds and buildings for military purposes.
23. The construction of public works by the Confederation.
24. Dike and forest police.
25. Game laws made by the Confederation.
26. Legislation as to railroads in the province of the Confederation.
27. A Federal University may be established—primary instruction provided by the cantons.—It is compulsory and free—no sectarian control in public schools.
28. Export and import duties.
29. The collection of Federal customs.
30. The proceeds on customs belong to the Confederation.—Five cantons to receive an annual indemnity on account of their internal Alpine roads.
31. Freedom of trade and of industry guaranteed throughout the Confederation with the following enumerated exceptions.
32. The collection of import duties on wines and liquors. (See amendment of 1885, which follows.)
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34. The labor of children and protection of workmen.
35. Gaming houses forbidden.—Lotteries.
36. The post and telegraph systems controlled by the government.—Secrecy of letters and telegrams guaranteed.
37. The Confederation exercises general oversight over roads and bridges.
38. It exercises all the exclusive rights pertaining to coinage.
39. Issue and redemption of bank notes.
40. The Confederation fixes the standard of weights and measures.
41. It controls the manufacture and sale of gunpowder.
42. How the expenditures of the Confederation are met.
43. The rights and privileges of Swiss citizens.
44. No citizen to be expelled from a canton nor deprived of his rights.—Naturalization of foreigners.
45. Swiss citizens have the right to settle anywhere in Swiss territory, except as follows.
46. Persons settled in Switzerland subject to jurisdiction and legislation of their domicile.
47. Temporary residence and settlement—the difference.
48. In regard to the expenses of the illness and burial of paupers who belong to another canton.
49. Freedom of conscience and belief is inviolable.
50. The free exercise of religious worship is guaranteed within the limit compatible with public order and good morals.
51. The order of Jesuits not permitted to enter Switzerland.
52. Convents of religious orders may not be founded.
53. Provisions in regard to marriage.
55. Freedom of the press.
56. Right to form associations.

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57. The right of petition.
58. No extraordinary tribunal shall be established.—Ecclesiastical jurisdiction abolished.
59. Suits against solvent debtors—their rights.—No imprisonment for debt.
60. Citizens of different cantons to have equal rights in legislation and judicial proceedings.
61. Civil judgments may be executed anywhere in Switzerland.
62. Exit duty on property abolished in the interior of the country.
63. It is abolished as to foreign countries, provided reciprocity is observed.
64. The Confederation has power to make laws on the following subjects.
65. The death penalty for a political crime and corporal punishment abolished.
66. The law fixes the limits within which a citizen may be deprived of his political rights.
67. Extradition of accused persons from one canton to another.
68. In regard to the incorporation of persons without a country (*Heimathlose*).
69. Sanitary legislation against epidemic and cattle diseases.
70. Foreigners dangerous to the country may be expelled.

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71. The supreme authority is vested in the Federal Assembly.—It consists of the National Council.

*National Council.*

72. How it is apportioned and chosen.
73. Elections for the same are direct.
74. Qualifications for voting.
75. Qualifications for membership in the National Council.
76. It is chosen for three years.

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- 77. Members of the National Council to hold no other office.
- 78. The President and Vice-President of the National Council.
- 79. Pay of members.

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- 80. The Council of States consists of forty-four representatives.
- 81. Members of the National and Federal Councils may not be members of the Council of States.
- 82. President and Vice-President.
- 83. Pay of Representatives.

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- 84. The powers and duties of the National Council and Council of States.
- 85. Enumeration of subjects within the competence of the councils.
- 86. The councils assemble annually, and may be convened in extra session.
- 87. In either council a majority of all the members constitutes a quorum.
- 88. A majority of those voting is required.
- 89. How Federal laws are passed.
- 90. In regard to popular votes.
- 91. Members of either council vote without instruction.
- 92. Each council takes action separately.
- 93. Measures may originate in either council.
- 94. As a rule the sittings of the councils are public.

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- 95. The supreme executive power is vested in the Federal Council, composed of seven members.
- 96. Manner of choosing the same—term of office three years—vacancies, how filled.
- 97. They may not occupy any other office nor follow any occupation nor profession.
- 98. The Federal Council is presided over by the President of the Confederation.

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- 99. Pay of the same.
- 100. A quorum consists of four members.
- 101. The Federal Council may speak, but not vote in the Assembly.
- 102. Enumeration of the powers and duties of the Federal Council.
- 103. How the business of the Federal Council is distributed.
- 104. The powers of the council.

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- 105. Powers and duties of the same.

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- 106. It shall administrate justice in Federal concerns.
- 107. The members and alternates of the Federal Court shall be chosen by the Federal Assembly.
- 108. Any Swiss citizen eligible to the National Council may be chosen to the Federal Court.
- 109. The Federal Court organizes its own Chancery and appoints the officials thereof.
- 110. Jurisdiction of the Federal Court.
- 111. In regard to judgments of the Federal Court.
- 112. It has, when assisted by a jury, criminal jurisdiction in the following cases.
- 113. It has further jurisdiction as follows.
- 114. The Confederation may by law place other matters within the jurisdiction of said court.

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- 116. The national languages of the Confederation are German, French and Italian.
- 117. The officials of the Confederation are responsible for their conduct in office.

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118. The Constitution may be amended at any time.

119. Manner of amending.

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121. When the amended Constitution shall be in force.

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2. The provisions of the Federal laws contrary to this Constitution cease to have effect.

3. When the new provisions take effect.

4. A delay of five years is allowed to cantons for the establishment of free instruction in primary schools.

5. In regards to persons practicing a liberal profession.

6. (Amended December 22, 1885.)

## REPUBLIC OF VENEZUELA.

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2. The boundaries of the great states.

3. The boundaries of the United States of the Venezuelan Federation.

4. The states that are grouped together to form the grand political bodies will be called sections.

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5. Enumeration of those who are Venezuelans.

6. Those who take up their residence and acquire nationality in a foreign country do not lose the character of Venezuelans.

7. Those who are qualified citizens.

8. All Venezuelans are obliged to defend their country.

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applicable to the condition of foreigners.

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12. Each State is free and independent.

13. The States of the Venezuelan Federation oblige themselves as follows.

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14. The nation guarantees to Venezuelans, as follows:

15. There shall be no titles of nobility, etc., no salary to continue after the termination of service.

16. The laws of the States will prescribe penalties for the infraction of these guarantees.

17. Those who may sign, issue or execute or order executed any decrees that infringe upon the guarantees to Venezuelans shall be punished according to law.

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20. To form the chamber of deputies.
21. The term of office of the deputies.
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25. In regard to forming the chamber of the Senate.
26. Qualifications necessary to become a senator.
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#### *Disposition of the Chambers and Common.*

30. The day on which the National Legislature will assemble. Length of session.
31. Number necessary to be present to open the chambers.
32. The sessions having been opened they may be continued by two-thirds of those that may have installed them, provided.
33. When the chambers may assemble together in the congress.
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37. The exercise of any other public function during the sessions is incompatible with those of a senator or deputy.—Compensation of the National Legislature.

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44. Besides the preceding enumeration the National Legislature may pass such laws of general character as may be necessary, except.

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45. The laws of the National Legislature may be proposed by either chamber, provided.
46. All projects must undergo three discussions on three different days.
47. Projects approved in one chamber will be passed to the other chamber for the purposes indicated in the preceding article.
48. In case the chamber of its origin does not agree with the amendments.—They may assemble together in congress.
49. Upon the passing of the projects from one to the other chambers the days on which they have been discussed will be stated.
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51. The style of the laws shall be.
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54. The annulling of laws.
55. When the ministers of the cabinet may have sustained in the chamber the unconstitutionality of a project by word or in writing.
56. In case of the foregoing article, what each State shall do.
57. In case a majority of the Legislatures of the States agree with the Federal Executive.
58. The laws will not be observed until they have been published.
59. The faculty conceded to sanction a law.
60. No legislative disposition will have a retroactive effect, except.

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62. Who the Federal Council shall elect from its own members.
63. The term of office of the members of the Federal Council the same as that of the President.
64. Where the Federal Council resides.—A majority necessary to deliberate.

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65. The prerogatives of the President of Venezuela are:
66. Besides the foregoing, he can, with the aid of the Federal Council exercise the following:

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67. The Ministers of the cabinet of the President of the United States of Venezuela.
68. Qualifications necessary to become a minister of the cabinet.
69. The duties of the ministers of the cabinet.
70. The acts of the ministers of the cabinet.
71. The settlement of all business,

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except, will be settled by the ministers.

72. The ministers to render an account of what they have done, they will also render written or verbal reports that may be requested of them.
73. They will present to the National Legislature the general account of the past year.
74. The ministers have the right to be heard in the chambers, and are obliged to attend when they are called upon for information.
75. The responsibility of the ministers.

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76. Of whom the High Federal Court shall be composed.
77. The nomination of judges of the High Federal Court.
78. The functions of the judges and other officers of the High Federal Court.
79. The term of office of the judges.

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80. The matter within the competence of the High Federal Court are:

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84. After the Federal Council may have received the list from the States.—Temporary vacancies will be filled according to law.
85. The Court of Appeals will have the following prerogatives.

TITLE VIII.

*Complemental Regulations.*

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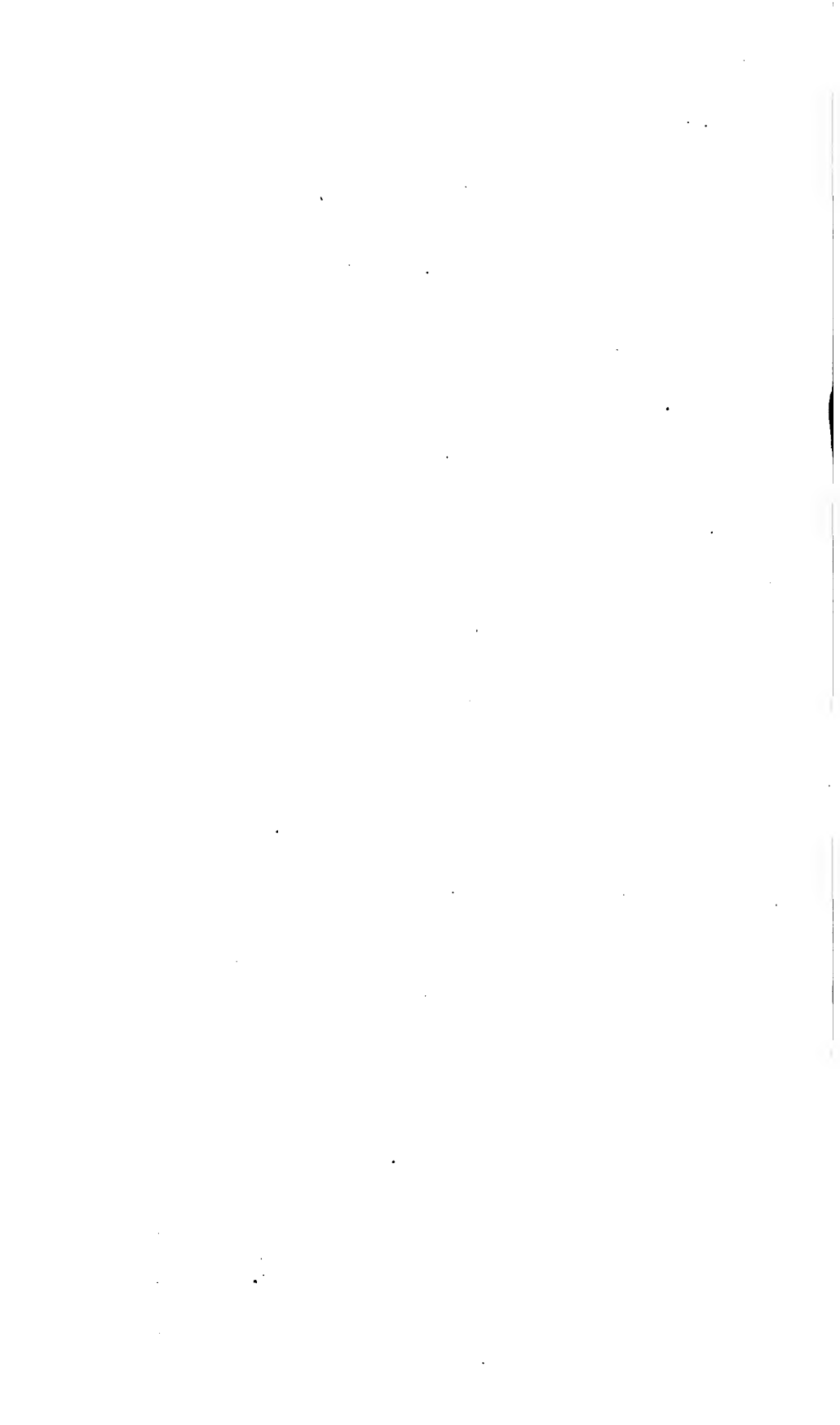
86. By whom the National Executive is exercised.—Who the President shall be.
87. The functions of the National Executive cannot be exercised outside of the federal district, except.
88. What is reserved to the States.
89. The tribunals of justice of the States are independent. In regard to causes originating with them.
90. In regard to acts of the National Executive and congress that violates the rights guaranteed to the States of this Constitution.
91. Of whom the land and naval forces shall be composed.
92. The force at the disposal of the federation will be organized from citizens of a contingent.
93. In case of war the contingent shall be argued.
94. Who may change the commanders of the public forces.
95. The military and civil power shall never be exercised by the same person or corporation.
96. In regard to the right of ecclesiastical patronage.
97. In regard to employes of the government of the federation.
98. The National Government shall not station troops nor military officers with a command in the State, except.
99. Neither the National Executive nor those of the States can resort to armed intervention if the domestic contentions of a State.
100. In case of a permanent or temporary vacancy.
101. Exportation to be free.
102. All usurped authority is without effect and its acts are null.
103. In regard to the exercise of any function not conferred by the Constitution or laws.
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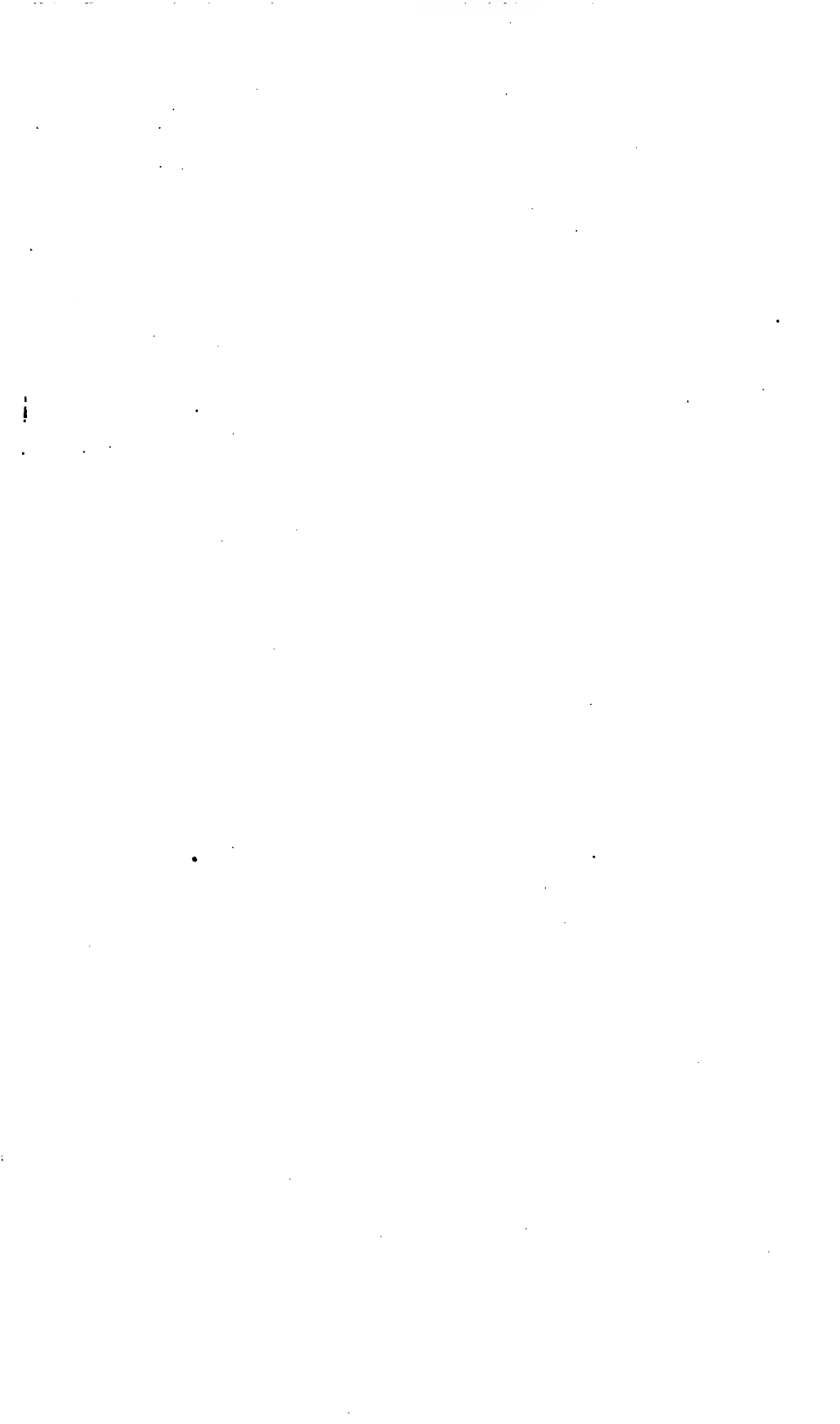
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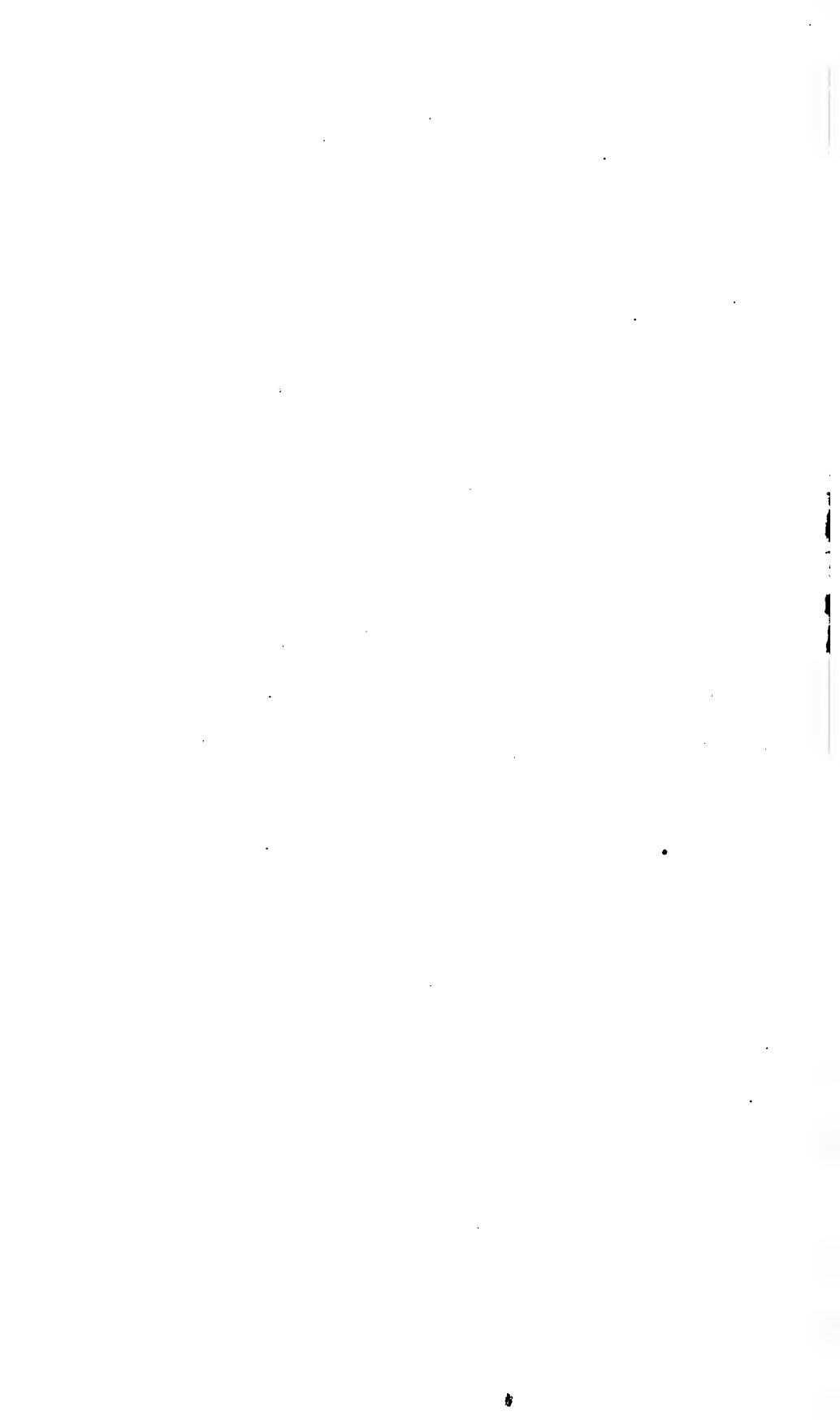
105. In regard to payments to be made for the National Treasury.
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107. When the estimate of the appropriations for a fiscal period shall not have been made.
108. In regard to the National forces in time of election.
109. In international treaties of commerce and friendship this clause will be inserted, to wit.
110. No individual can hold more than one office.—What is equivalent to a resignation.
111. The law will create and designate tribunals that may be necessary.
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113. Armed force cannot deliberate.
114. The Nation and the States will promote foreign immigration and colonization.
115. The law will regulate the manner in which National officers shall take the oath of office.
116. With whom the National Executive will negotiate.
117. The law of nations forms a part of the National legislation.—When its dispositions shall be enforced.
118. In regard to the amendment of the Constitution.
119. When this Constitution shall take effect.
120. The Constitutional period for the offices of the general administration of the Republic will continue to be computed from February 20, 1882.
121. For every act of civil and political life of the States of the Federation, its basis of population is that which is determined in the last census approved by the National Legislature.
122. The Federal Constitution of April 27, 1881, is repealed.

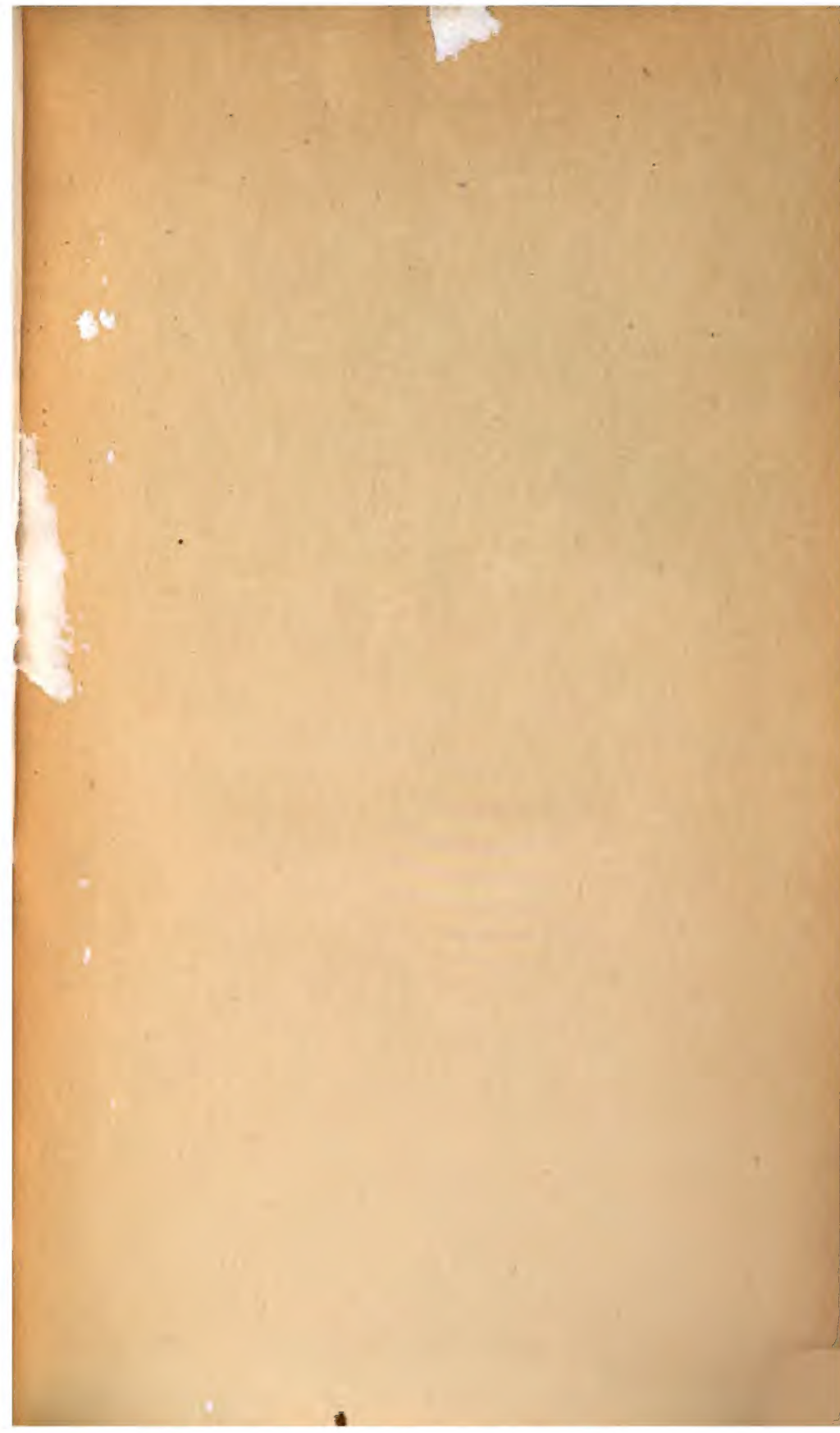


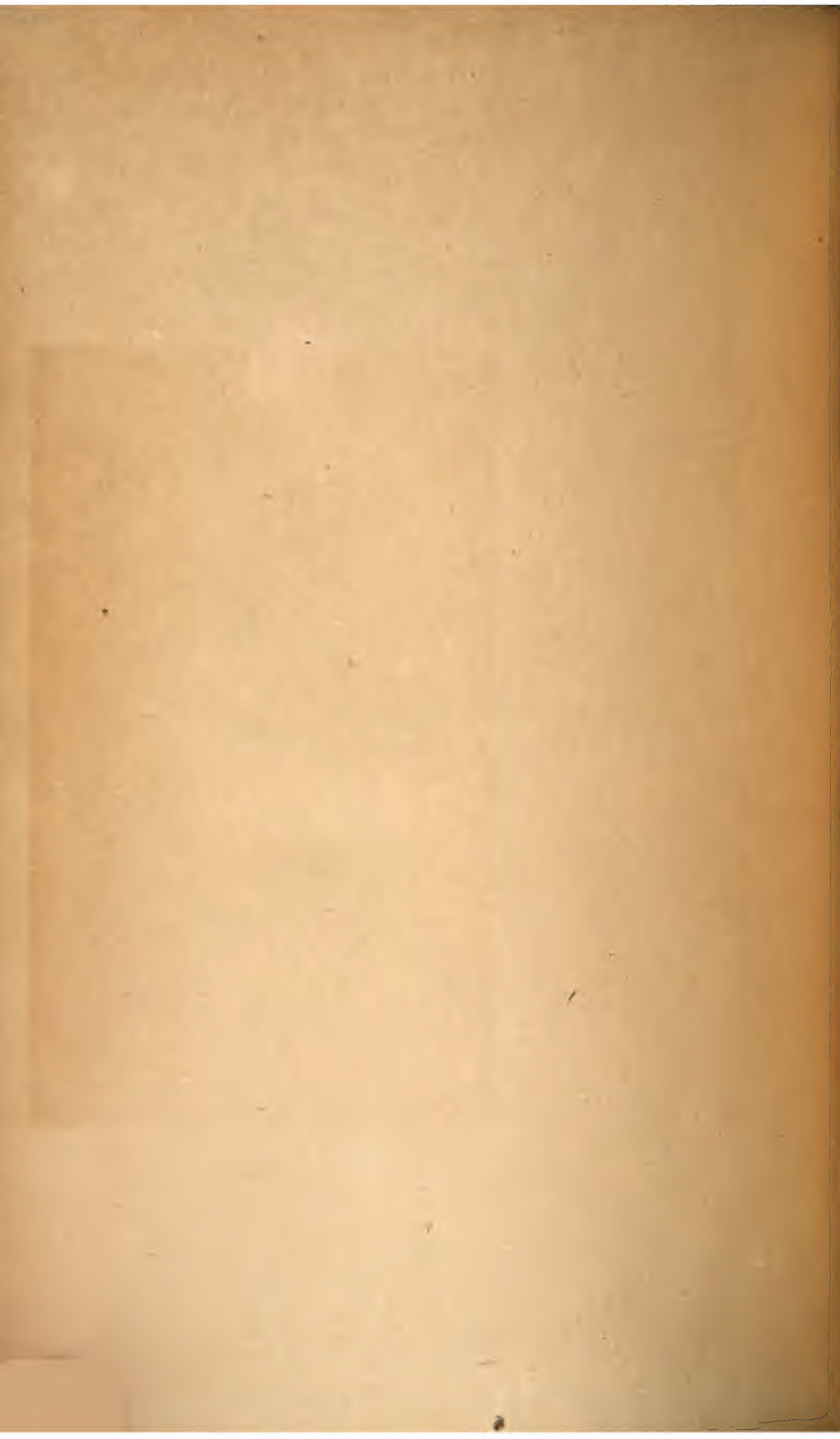












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